

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
THIRTEENTH LEGISLATURE

REGULAR SESSION
1925

COMMENCED ON WEDNESDAY, THE EIGHTEENTH
DAY OF FEBRUARY, AND ENDED ON THE
TWENTY-NINTH DAY OF APRIL.

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1925

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REGULAR SESSION 1925.

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 Vice-President.....Ernest A. K. Akina, Kohala, Hawaii
 Clerk.....Albert E. Lloyd, Honolulu, Oahu

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	Rice, Charles A. (R) *.....	Lihue, Kauai.

D..... Democrat 2

R..... Republican13

* Holdover Senators from 1923 session.

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ON WAYS AND MEANS.

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Ernest A. K. Akina, James K. Jarrett, Charles N. Arnold.

ON JUDICIARY.

J. W. Russell (Chairman), A. F. Tavares, James K. Jarrett, Chas. F.
Chillingworth, Henry C. Mossman.

ON PUBLIC LANDS AND INTERNAL IMPROVEMENTS.

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Arnold, Henry C. Mossman.

ON PUBLIC HEALTH.

Charles N. Arnold (Chairman), S. L. Desha, Charles H. Rose.

ON EDUCATION.

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Henry K. Aki, James K. Jarrett.

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ON ACCOUNTS.

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ON RULES.

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R..... Republican 27

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ON MISCELLANY.

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Rosalie Keliinoi (Chairman), D. K. Kahookele, Jr., Roy A. Vitousek.

ON JOURNAL.

Norman K. Lyman (Chairman), H. L. Kawewehi, R. N. Mossman.

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LAWS OF THE TERRITORY OF HAWAII

PASSED AT THE THIRTEENTH REGULAR SESSION OF THE LEGISLATURE

1925

ACT 1

[H. B. No. 1]

AN ACT to APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAY-
ING THE EXPENSES OF THE REGULAR SESSION OF THE HOUSE
OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY
OF HAWAII OF THE YEAR 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of fifty-five thousand dollars (\$55,000.00) from the public treasury for the purpose of defraying the expenses of the regular session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1925.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of February, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 2

[S. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of forty-five thousand dollars (\$45,000.00) from the public treasury for the purpose of defraying the expenses of the regular session of the Senate of the Legislature of the Territory of Hawaii of the year 1925.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of February, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 3

[H. B. No. 2]

AN ACT TO ENACT THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections one to four thousand five hundred and thirty-two, both inclusive, set forth on pages one hundred and forty-six to fourteen hundred and ninety-six, both inclusive, of Volume I of the two volumes prepared by the commission appointed under the provisions of Act seventeen of the Session Laws of the year one thousand nine hundred and twenty-three, are hereby enacted as law, to take effect on the approval of this Act. The two volumes shall be designated and may be cited as "Revised Laws of Hawaii 1925."

SECTION 2. All statutes in force immediately prior to the approval of this Act, which are embraced, with or without change,

in the said sections, are hereby repealed, and so much of the said sections as is applicable or corresponds thereto shall be in force in lieu thereof; provided, however, that said repeal shall not apply to or affect any provision which is not subject to repeal, or the part or parts of the said sections applicable or corresponding to which could not be enacted by the Legislature without the approval of Congress, or any provision of a temporary nature the functions of which have been fulfilled, or any statute or part thereof of which no part is embraced in the said sections.

SECTION 3. Said repeal shall not affect any act done, ratified or confirmed, or any right accruing or accrued or established, or any action, suit or proceeding had or commenced in any civil cause, prior to said repeal, but all rights and liabilities under any statute in the said sections or so repealed shall continue, and may be enforced in the same manner and with the same effect as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof.

SECTION 4. Said repeal shall not affect any offense committed or any punishment, penalty or forfeiture incurred, prior to said repeal, under any statute embraced in the said sections or so repealed, but every such offense may be prosecuted and punished, and every punishment, penalty or forfeiture imposed and enforced, in the same manner and with the same effect as if said repeal had not been made.

SECTION 5. No statute of limitations, whether applicable to civil causes or proceedings, or to the prosecutions of offenses, or for the recovery of penalties or forfeitures, embraced in the said sections, or so repealed, shall be affected thereby, but all suits, proceedings and prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to said repeal may be commenced and prosecuted with the same effect as if said repeal had not been made.

SECTION 6. Provisions in the said sections shall be construed as continuations or amendments of applicable or corresponding provisions of previously existing laws and not as new enactments; and references in statutes not repealed to provisions which are embraced, with or without change, in the said sections, shall be construed as applying to such provisions in the said sections.

SECTION 7: Any statute or part thereof embraced in Volume II of the Revised Laws of Hawaii 1925 may be cited by reference to the number of the volume and the number or numbers of the page or pages where the same may be therein to the same legal effect as if cited by reference heretofore sanctioned by law.

SECTION 8. The said enactment of the sections shall not affect or repeal any Act passed at this session of the Legislature prior to the date of the approval of this Act, but all Acts so passed shall have full effect as if passed after such date, and, so far as such Acts vary from or conflict with any provision contained in the said sections, they shall have the effect of subsequent Acts, and as repealing any portions of the said sections inconsistent therewith.

SECTION 9. This Act shall take effect upon its approval.

Approved this 2nd day of March, A. D. 1925.

W. R. FARRINGTON,

Governor of the Territory of Hawaii.

ACT 4

[S. B. No. 18]

AN ACT TO PROVIDE FOR THE EXPENSES OF ENTERTAINMENT OF THE OFFICERS AND PERSONNEL OF THE UNITED STATES FLEET AND OF THE NEWSPAPER MEN ACCOMPANYING SAID FLEET TO HAWAII AS GUESTS OF THE UNITED STATES NAVY, DURING THE VISIT OR VISITS OF THE FLEET TO HAWAII IN 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of seventy-five thousand dollars (\$75,000.00) or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the payment of the expenses of entertainment of the Officers and Personnel of the United States Fleet and of the newspaper men accompanying said fleet to Hawaii as guests of the United States Navy, during the visit or visits of the fleet to Hawaii in 1925.

SECTION 2. The aforesaid sum or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor based upon vouchers approved by a commission of five members to be known as the Fleet Entertainment Commission, which shall

be appointed by the Governor, subject to the provisions of Section 80 of the Organic Act, within five days after this Act takes effect.

SECTION 3. This Act shall take effect upon its approval.

Approved this 12th day of March, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 5

[H. B. No. 97]

AN ACT TO AMEND SECTION 626 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO DAIRY CATTLE: TUBERCULIN
TESTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 626 of the Revised Laws of Hawaii 1925,
is hereby amended to read as follows:

"Section 626. Dairy cattle; tuberculin tests. All dairy cattle within this territory and all other cattle suspected of being affected with tuberculosis, shall be tuberculin tested by the territorial veterinarian, his assistant or deputy as often as in their judgment such testing is necessary in order to prevent, suppress and eradicate bovine tuberculosis."

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SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of March, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 6

[S. B. No. 41]

AN ACT TO EXTEND THE TIME WITHIN WHICH THE APPROVAL OF THE CONGRESS OF THE UNITED STATES MUST BE SECURED TO ACT 235 OF THE SESSION LAWS OF 1923, BY AMENDING SECTION 18 OF THAT ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 18 of Act 235 of the Session Laws of 1923—that Act appearing upon page 2041 of Volume II of the Revised Laws of Hawaii, 1925—is hereby amended to read as follows:

“Section 18. This Act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii; subject, however, to the approval of the Congress to be secured within four years from the date of such approval by the governor.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of March, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 7

[S. B. No. 8]

AN ACT TO AMEND SECTION 2003 OF THE REVISED LAWS OF HAWAII, 1925, RELATING TO EXAMINERS OF CHAUFFEURS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2003 of the Revised Laws of Hawaii, 1925, is hereby amended to read as follows:

“Section 2003. The sheriffs of the various counties or city and county shall from time to time appoint one or more persons, residing in the respective county or city and county, at a salary or

salaries to be fixed by the respective boards of supervisors, who shall be a competent operator of motor vehicles to be known as the 'examiner of chauffeurs' of the respective county or city and county, whose duty it shall be to examine into the qualifications and fitness of any person desiring to secure a license to operate a motor vehicle as hereinafter provided; except that any resident of the Territory shall be examined only in the county or city and county where such person has his chief place of residence."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 31st day of March, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 8

[H. B. No. 114]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO MAKE APPROPRIATION FOR AND PAY THE CLAIM OF JOSEPH DUARTE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to pay to Joseph Duarte the sum of four hundred eighty-seven and 50/100 dollars (\$487.50) out of any money in the general fund of said city and county, as compensation for services rendered.

SECTION 2. Upon said payment the said Joseph Duarte shall be required to release the City and County of Honolulu from all claims in respect of his employment.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 31st day of March, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 9

[H. B. No. 234]

AN ACT AMENDING CHAPTER 85 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DENTISTRY, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1075A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 85 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 1075A, and to read as follows:

"Section 1075A. No person shall practice dentistry within the Counties of Hawaii, Maui or Kauai without first registering in the office of the County Treasurer in the county wherein said person proposes to practice dentistry, in a book kept by the treasurer for such purpose and called a register of dentists, his name, age, office address, the date and number of his license to practice dentistry in the Territory of Hawaii and the date of such registration, which registration he shall be entitled to make only upon showing the County Treasurer his license or a copy thereof certified by the Secretary of the Board of Dentistry, and upon making and filing an affidavit stating his name, age, office address, the number of his license and the date of its issuance, that he is the identical person named in the license. The County Treasurer shall preserve such affidavits and shall issue to every licensee duly registering and making such affidavit, a certificate of registration in his county which shall include a transcript of the registration.

The County Treasurer's fees for taking such registration and affidavit and issuing such certificate of registration shall be \$2.50, said fee to be a county realization.

Any person failing to register as in this section provided, shall be punished as hereafter in this chapter provided."

SECTION 2. This Act shall take effect on July 1, 1925.

Approved this 31st day of March, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 10

[H. B. No. 49]

AN ACT TO AMEND SECTION 1 OF ACT 194 OF THE SESSION LAWS OF 1923, RELATING TO THE EXTENSION, WIDENING AND IMPROVEMENT OF CERTAIN STREETS IN HONOLULU, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 194 of the Session Laws of 1923, is hereby amended to read as follows:

"Section 1. The Treasurer of the City and County of Honolulu as directed by the board of supervisors of the City and County of Honolulu, is hereby authorized and empowered to issue, from time to time, bonds of the City and County of Honolulu, with interest coupons attached thereto, to an amount not to exceed seven hundred fifty thousand dollars (\$750,000.00) for the purpose of paying the said city and county's share of extending, widening, paving, or otherwise improving the whole or any portion or portions of School Street from Kalihi Street to Middle Street, King Street from the bridge over Nuuanu Stream to Moanalua-Kahauiki boundary at Fort Shafter, and West Queen Street from the junction of King and Liliha Streets to Puuloa Road, said work to be done, insofar as the board shall deem it practicable so to do, in the order named; provided, however, that of the proceeds of the sale of said bonds, seventy-five thousand dollars (\$75,000.00) thereof shall be immediately available for the payment of the city and county's share of extending, widening, paving or otherwise improving the portion of School Street from Kalihi Street to Middle Street. The principal and interest of said bonds shall be payable in gold coin of the United States of America, or its equivalent, at its present standard of weight and fineness, in the manner, upon the terms and for the purpose of this Act stated, and in addition to the provisions hereof, the issuance thereof shall be governed by the provisions of an Act of Congress approved April 30, 1900, entitled 'An Act to provide a government for the Territory of Hawaii', and any amendments thereto in effect at the time said bonds are issued. No bonds shall be issued until after the issuance thereof shall have first been approved by the President of the United States. Such approval on the part of the President of the United States shall be conclusive proof that all require-

ments of law have been duly complied with and that said bonds are, in all respects, valid and incontestable."

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 11

[S. B. No. 40]

AN ACT MAKING AN APPROPRIATION OUT OF THE GENERAL REVENUES FOR THE PURPOSE OF MAKING SURVEYS, BORING, SOUNDINGS, SWEEPING AND DREDGING HANA HARBOR, MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated out of the general revenues of the Territory of Hawaii for the purpose of making surveys, boring, soundings and sweeping Hana Harbor, Maui, and also for blasting and dredging out obstructions located by this survey that interferes with navigation.

SECTION 2. This Act shall take effect upon its approval.

Approved this 7th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 12

[S. B. No. 66]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF BUILDING, REPAIRING AND RECONSTRUCTING THE EMBANKMENT OF THE WAIMEA RIVER, ISLAND OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) or as much thereof as may be necessary, is hereby appropriated to be paid out of any money in the treasury of the Territory of Hawaii, not otherwise appropriated, for the purpose of defraying the expenses of building, repairing and reconstructing the embankment of the Waimea River, Island of Kauai.

SECTION 2. The said sum of twenty thousand dollars (\$20,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the superintendent of public works, who shall have charge of the building, repairing and reconstructing said embankment; provided, that the superintendent of public works shall contract for the construction of said embankment if a satisfactory bid can be obtained; but in case a satisfactory bid cannot be obtained or no bid or bids are received, the superintendent of public works is hereby authorized to perform the work by day labor, but in no case shall the sum spent be in excess of twenty thousand dollars (\$20,000.00).

SECTION 3. The said sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be expended, shall be repaid into the general funds of the territorial treasury from the sales of public lands in the District of Waimea, upon the Island of Kauai, for other than homestead purposes.

SECTION 4. This Act shall take effect upon its approval.

Approved this 7th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 13

[S. B. No. 77]

AN ACT TO AMEND SUBDIVISION 3 OF SECTION 144 OF THE
REVISED LAWS OF HAWAII, 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subdivision 3 of Section 144 of the Revised Laws of Hawaii, 1925, is hereby amended to read as follows:

“3

187. The Island of Oahu shall be divided into seven districts as follows:

1. From Maunalua to Moanalua inclusive, and the islands not included in any other district, to be styled the Honolulu district;

2. All that portion of the Island of Oahu described as follows to be styled the Ewa district:

‘Beginning at the sea-shore on the boundary between the Ahupuaas of Nanakuli and Honouliuli, and running along said boundary along the Waianae mountain range passing over Puu Manawahua and Mauna Kapu Peaks to the top of Palikea Peak, thence across the land of Honouliuli in a Southeasterly direction, in a direct line to Reservoir No. 31 of the Oahu Sugar Company, thence following along the main Waiahole Ditch in all its turnings and windings to the Kipapa Gulch, thence along the Kipapa Gulch in all its turnings and windings to the top of the Koolau Range, thence along the top of the Koolau Range to the boundary between the Ahupuaas of Halawa and Moanalua, thence following along Red Hill Ridge and along said boundary between Halawa and Moanalua to the sea shore, thence along the sea shore to the point of beginning.’

3. Waianae, excluding Waianae-uka, to be styled the Waianae district;

4. All that portion of the Island of Oahu described as follows to be styled the Waialua district:

‘Beginning at the sea shore on the boundary between the Ahupuaas of Waimea and Pupukea and following along the North boundary of Waimea to Puu Kaimapuaa on the Koolau Range at the junction of the Ahupuaas of Laie, Waimea and Kawaiiloa, thence along the top of Koolau Range along the boundary of the Ahupuaa of Kawaiiloa to the head of the South Opaepala (commonly called the Halemano Stream) thence down along said South Opaepala Gulch (commonly called the Halemano Stream) in all its turnings and windings to the Wahiawa Reservoir Ditch, thence

along said Ditch in all its turnings and windings and a line in extension thereof, to the Kaukonahua Stream, thence up along said Kaukonahua Stream to the boundary between the Ahupuaas of Kamananui and Waianae-uka, thence along said boundary between Kamananui and Waianae-uka to Puu Pane at the junction of the Ahupuaas of Kamananui, Waianae-uka and Mokuleia passing over Puu Kamaohanui and Puu Kaala to the top of the Waianae Range at the junction of the Ahupuaas of Mokuleia, Makaha and Waianae-uka, thence along the South boundary of the Ahupuaas of Mokuleia, Kawaihapai, Kealia and Kaena to the sea shore at Kaena Point, thence along the sea shore to the point of beginning.'

5. From Waimea to Kaoio Point, to be styled the Koolauloa district;

6. Koolaupoko, to be styled the Koolaupoko district;

7. All that portion of the Island of Oahu described as follows to be styled the Wahiawa district:

'Beginning at the top of Palikea Peak on the Waianae Mountain Range and following along the top of said Range, passing over the following peaks: Puu Kana, Puu Kanehoa, Puu Hapapa, Puu Kumakalii and Puu Kalena to the junction of the Ahupuaas of Makaha, Mokuleia and Waianae-uka, thence following the boundary between the Ahupuaas of Mokuleia and Waianae-uka passing over Puu Kamaohanui to the top of Puu Pane at the junction of the Ahupuaas of Mokuleia, Kamananui and Waianae-uka, thence along the boundary between Kamananui and Waianae-uka to the Kaukonahua Stream, thence following down said stream to a point opposite the Wahiawa Reservoir Ditch, thence to and along said Ditch in all its turnings and windings to the South Opaepa Stream (commonly called the Halemano Stream), thence following up said stream in all its turnings and windings, passing the Kaahe Fishing Place to the top of the Koolau Range, thence along the top of the Koolau Range passing over Puu Pauao and Puu Kaaumakua to the Kipapa Gulch, thence along said Kipapa Gulch in all its turnings and windings to the Waiahole Ditch, thence along said Waiahole Ditch in all its turnings and windings to Reservoir No. 31 of the Oahu Sugar Company, thence following a direct line to the point of beginning.'"

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 14

[S. B. No. 84]

AN ACT TO AMEND SECTIONS 1 AND 2 OF ACT 199, SESSION LAWS OF 1923, MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF CERTAIN ROADS AT KEKAHA, DISTRICT OF WAIMEA, ISLAND OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1 and 2 of Act 199, Session Laws of 1923, is hereby amended to read as follows:

"Section 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of roads in the Kekaha Home Lots granted under preference rights and in the Kekaha House Lots Tract, in the District of Waimea, Island of Kauai.

"Section 2. The said sum of ten thousand dollars (\$10,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands who shall have charge of the construction of said roads; provided, that the commissioner of public lands shall contract with the County of Kauai for the construction of said roads but shall in no case contract for an amount in excess of the sum of ten thousand dollars (\$10,000.00).

"The amount hereby appropriated shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sales of public lands upon the Island of Kauai."

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 15

[S. B. No. 116]

AN ACT TO AMEND SECTION 432 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO APPROPRIATIONS FOR THE FAIR COMMISSION OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 432 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 432. Appropriation. There is hereby appropriated out of the general revenues of the Territory the sum of thirty thousand dollars (\$30,000.00), in addition to any moneys heretofore appropriated for the purpose of defraying the expenses of mechanical, livestock, agricultural, horticultural and pleasure fairs to be held in the City and County of Honolulu, as hereinafter provided, which said sum shall be set aside in the treasury of the Territory as a special fund for such purposes, and all moneys withdrawn from such fund shall be reimbursed or restored thereto out of any moneys collected under the provisions of this chapter."

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 16

[H. B. No. 113]

AN ACT TO AMEND SECTION 1958 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1958 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1958. If delinquent taxes, no license. No license shall be issued by any county or city and county treasurer, or other officer or employee, for any purpose whatsoever, unless the *Am. A. 22*

applicant for such license shall have filed with such treasurer, officer or employee, a certificate showing the payment in full of all delinquent taxes, if any shall have become delinquent, after the passage of this chapter, but not including, however, any taxes delinquent prior to January 1, 1915."

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 17

[H. B. No. 141]

AN ACT TO AMEND SECTION 4136 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO ASSAULT AND BATTERY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4136 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

13 "Section 4136. Slight corporal injuries. Whoever inflicts a slight corporal injury upon another, as by striking him with his fist, spitting in his face, inciting and causing a dog to bite him, or any injury of a like gravity, however slight, is guilty of an assault and battery, and shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than one year in the discretion of the court."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 8th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 18

[H. B. No. 150]

AN ACT APPROPRIATING THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) TO COVER EXPENSES OF TRANSPORTATION, AND HOUSING PRISONERS DETAILED TO CLEAR AND GRADE THE AEROPLANE LANDING FIELD AT WAIKAEKA, HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to cover the expenses of transportation and of every other kind whatsoever that may be necessary for properly housing in the District of South Hilo, County of Hawaii, such prisoners as may be detailed, pursuant to Section 1523 of the Revised Laws of Hawaii 1925, for labor upon the aeroplane landing field, set aside by executive order of the Governor as such, at Waikaeke, District of South Hilo, County of Hawaii.

SECTION 2. All material purchased under the foregoing appropriation shall remain the property of the Territory, even though incorporated in structures upon leased land, and the attorney general is hereby directed to require a provision, in every lease of land to the Territory for the purpose of housing the said prisoners, that upon the termination of the leasehold the Territory shall be permitted to remove from the leased land all buildings and other structures placed thereon by the Territory.

SECTION 3. Upon the termination of any such leasehold the attorney general, on behalf of the Territory of Hawaii, may remove the said material from the leased land and either cause it to be used elsewhere for the purpose of housing prisoners detailed for labor upon any public road or other public work, or sell the same, or he may, without removing the said material from the leased land, sell the same to the owner of the land, as in his discretion may seem to be for the best interest of the Territory.

SECTION 4. Expenditures from the said appropriation shall be made upon vouchers approved by the attorney general.

SECTION 5. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 19

[S. B. No. 35]

AN ACT MAKING AN APPROPRIATION TO REIMBURSE THE COUNTY OF KAUAI FOR PROPERTY TAX PAYMENTS MADE IN THE YEARS 1921, 1922 AND 1923 ON ACCOUNT OF INTEREST AND SINKING FUND IN CONNECTION WITH THE NAWILIWILI BREAKWATER BONDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of thirty-seven thousand five hundred twenty-four and 56/100 dollars (\$37,524.56) is hereby appropriated, to be paid out of the general fund of the Territory of Hawaii, to reimburse the County of Kauai for property tax payments made by the fourth taxation division in the years 1921, 1922 and 1923, on account of charges for interest and sinking fund then payable in connection with the Nawiliwili Breakwater bonds issued under Act 218 of the Session Laws of 1917, amended by Act 122 of the Session Laws of 1923.

SECTION 2. This Act shall take effect January 1, 1926.

Approved this 9th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 20

[S. B. No. 36]

AN ACT DIRECTING THE ASSESSOR OF THE FOURTH TAXATION DIVISION, WHEN FIXING THE TAX RATE FOR THE YEAR 1926, TO TAKE INTO CONSIDERATION A REIMBURSEMENT MADE BY THE TERRITORY TO THE COUNTY OF KAUAI FOR PROPERTY TAX PAYMENTS MADE IN THE YEARS 1921, 1922 AND 1923, ON ACCOUNT OF INTEREST AND SINKING FUND IN CONNECTION WITH THE NAWILIWILI BREAKWATER BONDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The assessor of the fourth taxation division, in estimating for the year 1926 that portion of the tax rate to be

fixed for the purpose of subdivision 1 of Section 1315 of the Revised Laws of Hawaii 1925, shall so fix the same as to yield the sum of thirty-seven thousand five hundred twenty-four and 56/100 dollars (\$37,524.56) less than the amount estimated by the board of supervisors of the County of Kauai to be required for the year 1926 for the purpose of that subdivision, the said sum of thirty-seven thousand five hundred twenty-four and 56/100 dollars (\$37,524.56) being a reimbursement by the territory to the County of Kauai for property tax payments made in the years 1921, 1922 and 1923, on account of charges for interest and sinking fund then payable in connection with the Nawiliwili Breakwater bonds issued under Act 218 of the Session Laws of 1917, amended by Act 122 of the Session Laws of 1923.

SECTION 2. This Act shall take effect January 1, 1926.

Approved this 9th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 21

[S. B. No. 83]

AN ACT TO PROVIDE TRANSPORTATION TO, AND PROPER HOUSING L. 27, P. 3.
IN, THE DISTRICT OF HAMAKUA, COUNTY OF HAWAII, FOR
PRISONERS DETAINED TO WORK UPON THE ROAD IN THAT
DISTRICT RUNNING FROM KUKUIHAELE DOWN INTO WAIPIO
VALLEY AND TO PROVIDE FOR THE SUBSEQUENT DISPOSITION
OF MATERIAL PURCHASED FOR SUCH HOUSING.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated—to be paid out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated—to cover expenses of transportation and of every other kind whatsoever that may be necessary for properly housing in the District of Hamakua, County of Hawaii, such prisoners as may be detailed, pursuant to Section 1525 of the Revised Laws 1925, for labor upon the road in that district running from Kukuihaele down into Waipio Valley.

SECTION 2. All material purchased under the foregoing appropriation shall remain the property of the Territory, even though incorporated in structures upon leased land, and the attorney general is hereby directed to require a provision, in every lease of land to the Territory for the purpose of housing the said prisoners, that upon the termination of the leasehold the Territory shall be permitted to remove from the leased land all buildings and other structures placed thereon by the Territory.

SECTION 3. Upon the termination of any such leasehold the attorney general, in behalf of the Territory of Hawaii, may remove the said material from the leased land and either cause it to be used elsewhere for the proper housing of prisoners detailed for labor upon any public road or other public work, or sell the same, or he may, without removing the said material from the leased land, sell the same to the owner of the land, as in his discretion may seem to be for the best interests of the territory.

SECTION 4. Expenditures from the said appropriation shall be made upon vouchers approved by the attorney general.

SECTION 5. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 22

[H. B. No. 67]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO FURNISH MATERIAL AND EQUIPMENT, AND THE ATTORNEY GENERAL AND HIGH SHERIFF TO FURNISH LABOR FOR THE CONSTRUCTION OF A ROAD TO WAIMANALO BY WAY OF KOKO HEAD ROAD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is authorized, notwithstanding the provisions of Chapter 119, Revised Laws of Hawaii 1925, to secure a right of way therefor, to furnish a camp for the prisoners to be used as hereinafter provided, to furnish the necessary materials and equipment

and to do the necessary engineering for constructing a road to Waimanalo by way of Koko Head Road, and to pay for the same from city and county funds and to make the appropriations therefor from either the general and/or permanent improvement.

SECTION 2. Labor for the construction of said road as above set forth shall be furnished by the attorney general and the high sheriff of the Territory of Hawaii from prisoners in the territorial prison. Said work shall be in charge of a competent engineer who shall be furnished by the said board of supervisors. The overseers for such prison labor shall be appointed by the high sheriff and shall be paid for by appropriation made by the board of supervisors; insofar as the work on said road is concerned, said overseers shall act under said engineer.

SECTION 3. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1925.

W. R. FARRINGTON,

Governor of the Territory of Hawaii.

ACT 23

[H. B. No. 138]

AN ACT TO AMEND SECTION 2560 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WITNESSES.

Be it Enacted by the Legislature of the Territory of Hawaii: 1/32 P 20

SECTION 1. Section 2560 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2560. Fees, criminal cases. Every witness legally required to attend upon a circuit court or a grand jury in any criminal case, other than a salaried county, city and county, or territorial official, shall be entitled to two dollars (\$2.00) for each day's attendance and twenty cents for each mile actually and necessarily travelled, in going only; provided, however, that any police officer or other county, city and county or territorial official (except the sheriff, county or city and county attorney or deputy county or city and county attorney) who resides in a district other

than that in which the circuit court is holding term, shall be allowed witness and mileage fees as in this section provided."

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 24

[H. B. No. 139]

AN ACT TO AMEND SECTION 2549 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO COSTS OF COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2549 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2549. Witnesses' fees, mileage; taxation. The pay of witnesses shall be as follows: Every witness attending and testifying upon the trial of any civil cause, in any court, shall be paid the sum of two dollars (\$2.00) for each day's attendance in court, and traveling expenses at the rate of twenty cents a mile each way.

The fees of witnesses shall be taxable items in the bill of costs to be paid by the losing party."

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 25

[S. B. No. 141]

AN ACT TO APPROPRIATE MONEY FOR THE PURCHASE OF EQUIPMENT FOR THE TREASURY DEPARTMENT, AND FOR THE COST OF OPERATING SAID EQUIPMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of twenty-eight thousand dollars (\$28,000.00) out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the following purposes, to-wit:

For the purchase of National Analytical cash registers, bookkeeping and billing machines, autographic registers, forms, carbon paper, installation, traveling, etc., for the four taxation divisions.....	\$25,000.00
For cost of operators in operating same to June 30, 1925	3,000.00

SECTION 2. The amount herein appropriated shall be disbursed upon warrants drawn by the auditor, based upon vouchers approved by the treasurer.

SECTION 3. Each of the tax assessors of the various taxation divisions shall in the year 1926 add to the tax rate of his taxation division to produce the amount of money expended in his division on account of the purchase of equipment referred to in Section 1 hereof, and for the cost of operating the same.

SECTION 4. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 26

[S. B. No. 30]

AN ACT TO AMEND SECTIONS 1022, 1024, 1026, 1027 AND 1029 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MEDICINE AND SURGERY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1022 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1022. License. Except as otherwise provided by law, no person shall practice medicine or surgery in the Territory of Hawaii either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, or shall append the letters "Dr." to his or her name, with the intent thereby to imply that he or she is a practitioner of medicine or surgery, without having a valid unrevoked license, obtained from the board of health of the Territory of Hawaii, in form and manner substantially as herein-after set forth. Such license shall only be granted upon the written recommendation of the board of medical examiners of the Territory of Hawaii.

Provided, however, that the practice of medicine as contemplated and set forth in this chapter shall not be construed to exclude the use of any method or means or any agent either tangible or intangible by any person licensed to practice osteopathy, for the treatment of disease in the human subject, provided that no person so licensed to practice osteopathy shall, by reason thereof, be authorized to administer drugs or medicines, or to perform any surgical operation.

And further provided, that nothing herein contained shall apply to so-called christian scientists so long as they merely practice the religious tenets of their church without pretending a knowledge of medicine or surgery; provided, that the laws and regulations relating to contagious diseases are not violated.

And provided further, that licenses to practice chiropractic shall be granted by the board of health, upon payment of the sum of ten dollars (\$10.00) to graduates holding diplomas from any legally chartered and regularly conducted school or college of chiropractic, and further provided, that a certificate to practice chiropractic has first been obtained from any state board of chiropractic examiners, until there is a board of chiropractic examiners appointed from among the chiropractors of the Territory of Hawaii, for said territory. And provided further, that the practice of medicine as contemplated and set forth in this chapter shall

not be construed to exclude the use of any method or means, or any agent, either tangible or intangible, by any person licensed to practice chiropractic, for the treatment of disease in the human subject, provided that no person so licensed to practice chiropractic shall, by reason thereof, be authorized to administer drugs or medicine, or to perform any surgical operation. Any person applying for a license to practice chiropractic shall file with the board of health a certified copy of such diploma, and satisfactory evidence that the applicant is a fit and proper person to be so licensed to practice chiropractic and a certified copy of a certificate from a state board of chiropractic examiners certifying that the applicant has passed the required examination and is entitled to practice chiropractic in that state.

Provided further, that every chiropractor so licensed shall be required to report infectious and contagious diseases, as provided in Section 932, of the Revised Laws of Hawaii 1925."

SECTION 2. Section 1024 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1024. Board of medical examiners. Except as otherwise provided by law, no person shall be licensed to practice medicine or surgery except upon the written report of a board of medical examiners, to be appointed and constituted as in this chapter provided, setting forth that the applicant named therein has been duly examined and found to be possessed of the necessary qualifications.

Provided, however, that the board of health may grant a temporary license to practice medicine or surgery on recommendation of the president of the board of health to any person who shall present to the said president proof of his good moral character and a diploma issued by a medical school or college classified as Class "A" in the classification of the American Medical Association or in lieu of such a diploma proof of at least three years' practice as a licensed physician of medicine or surgery in some other jurisdiction or as a physician of medicine or surgery in the army or navy of the United States of America; such a temporary license so issued as aforesaid shall be automatically revoked without privilege of renewal upon the date of the completion of the next succeeding examination for permanent licenses to be held by the board of medical examiners, who shall hold such examination quarterly. The holder of such a temporary license shall be entitled to all the privileges and subject to all the obligations and conditions of a holder of a permanent license while such temporary license remains unrevoked; provided further, that the expenses incident to the conducting of examinations aforesaid shall be paid out of office expenses of the board of health upon vouchers made by a

majority of the board of medical examiners and approved by the president of the board of health."

SECTION 3. Section 1026 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1026. Fees. No application for a temporary license to practice medicine or surgery shall be considered until the applicant shall have paid to the board of health a fee of ten dollars (\$10.00) and no applicant for a permanent license to practice medicine or surgery shall be examined, nor shall a license to practice osteopathy or chiropractic be granted, until the applicant shall have paid to the board of health a fee of twenty-five dollars (\$25.00)."

SECTION 4. Section 1027 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1027. Form of license. The form of license to practice medicine and surgery shall be substantially as follows:

Territory of Hawaii, Board of Health.

License to Practice Medicine and Surgery.

....., a native of.....,
age..... years, having been duly examined by the board of
medical examiners, and having been recommended by the board of
health as possessed of the necessary qualifications, is hereby licensed
to practice medicine and surgery in the Territory of Hawaii.

This license is granted and accepted on the express condition
that it may be revoked at any time for professional misconduct,
gross carelessness or manifest incapacity; such misconduct, care-
lessness or incapacity, having been proven to the satisfaction of
the board of health.

Given under the seal of the board of health this day
of, A. D.

(Signed) BOARD OF HEALTH,

By

Its President."

SECTION 5. Section 1029 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1029. Revocation of licenses. Licenses to practice medicine and surgery may be revoked by the board of health at any time for the following causes:

1. Procuring or aiding or abetting in procuring a criminal abortion;
2. Employing what are popularly known as 'cappers' or 'steerers';
3. Obtaining any fee on the assurance that a manifestly incurable disease can be permanently cured;
4. Wilfully betraying a professional secret;
5. All advertising of one's medical business in which untruthful and improbable statements are made;
6. All advertising of any medicine, or of any means, whereby the monthly periods of women can be regulated, or the menses reestablished if suppressed;
7. Conviction of any offense involving moral turpitude;
8. Habitual intemperance;
9. Habitual use of habit forming drugs, such as opium, or any of its derivatives, morphine, heroin, cocaine, etc.;
10. Gross carelessness and manifest incapacity; any one or more of said causes having been proven to the satisfaction of the board of health. In case any license is revoked for any of the causes named in this section, the holder thereof shall be immediately notified of such revocation, in writing, by the board of health."

SECTION 6. The provisions of this Act shall not in any respect repeal or modify or be deemed to repeal or modify Chapter 82 of the Revised Laws of Hawaii 1925, or any part thereof but said chapter shall continue in full force and effect.

SECTION 7. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 27

[S. B. No. 31]

AN ACT TO AMEND SECTIONS 1035, 1037, 1038, 1039 AND 1048
OF THE REVISED LAWS OF HAWAII 1925, RELATING TO
OSTEOPATHY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1035 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1035. License. No person shall practice as an osteopathic physician or surgeon either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, or shall append the letters "Dr." or the letters "D. O." to his or her name, with the intent thereby to imply that he or she is a practitioner as an osteopathic physician or osteopathic physician and surgeon, without having a valid unrevoked license, obtained from the board of health of the Territory of Hawaii, in form and manner substantially as hereinafter set forth."

SECTION 2. Section 1037 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1037. Board of osteopathic examiners. No person shall be licensed by the board of health to practice as an osteopathic physician or as an osteopathic physician and surgeon except upon the written report of a board of osteopathic examiners, to be appointed and constituted as in this chapter provided, setting forth that the applicant named therein has been duly examined and found to be possessed of the necessary qualifications, or found to be otherwise qualified as herein provided."

SECTION 3. Section 1038 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end thereof the following proviso:

"Provided, however, that the expenses incident to the conducting of examinations aforesaid, shall be paid out of the office expenses of the board of health upon vouchers made by a majority of the board of osteopathic examiners and approved by the president of the board of health."

SECTION 4. Section 1039 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1039. Examination fee. No applicant for a license to practice as an osteopathic physician or as an osteopathic physician and surgeon shall be examined until he shall have paid to the board of health of the Territory of Hawaii a fee of twenty-five dollars (\$25.00)."

SECTION 5. Section 1048 of the Revised Laws of Hawaii 1925, is hereby amended by adding, at the end thereof, the following:

"The circuit court of the circuit in which the hearing is held shall have power to enforce, by proper proceeding, the attendance and testimony of witnesses so subpoenaed and the production of books and papers so ordered."

SECTION 6. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 28

[S. B. No. 37]

AN ACT RELATING TO TRESPASS AND PROVIDING PUNISHMENT THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 275 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto, to be known as Section 4426A, and to read as follows:

"Section 4426A. Trespass, punishment. Whoever, without right, enters or remains in or upon the dwelling house, buildings or improved or cultivated lands of another or the land of another about or near any buildings used for dwelling purposes, after having been forbidden to do so by the person who has lawful control of said premises, either directly or by notice posted thereon, and any person who wilfully tears down or defaces any such notice, shall be guilty of a misdemeanor and upon conviction shall be punished by fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment of not more than three months, or by both such fine and imprisonment."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 29

[S. B. No. 75]

AN ACT MAKING AN APPROPRIATION TO REIMBURSE LIBBY, MCNEILL & LIBBY OF HONOLULU, LIMITED, FOR MONEYS WRONGFULLY ASSESSED AND ILLEGALLY COLLECTED FROM IT AS TAXES DURING THE YEARS 1918, 1919, 1920, 1921 AND 1922.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the treasury received from the general revenues, the sum of twelve thousand five hundred and 00/100 dollars (\$12,500.00) to reimburse Libby, McNeill & Libby of Honolulu, Limited, a domestic corporation, for moneys wrongfully assessed and illegally collected from said company as taxes during the years 1918, 1919, 1920, 1921 and 1922.

SECTION 2. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 30

[S. B. No. 109]

AN ACT TO APPROPRIATE MONEYS TO CARRY OUT THE PROVISIONS OF CHAPTER 115 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO COMPENSATION OF PRISONERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) for the purpose of carrying out the provisions of Chapter 115 of the Revised Laws of Hawaii, 1925.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 31

[H. B. No. 148]

AN ACT TO PROVIDE FOR THE ACCEPTANCE OF ACTS OF CONGRESS APPROVED NOVEMBER 23, 1921, AND MARCH 10, 1924, RELATING TO THE PROMOTION OF THE WELFARE AND HYGIENE OF MATERNITY AND INFANCY, AND MAKING PROVISIONS FOR THE CARRYING OUT OF SAID LAWS BY THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Territory of Hawaii hereby accepts, together with the benefits of all the respective funds appropriated thereby, all of the provisions of the Acts of Congress approved November 23, 1921, and March 10, 1924, entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy; and for other purposes", and "An Act to extend the provisions of certain laws to the Territory of Hawaii"; and to appropriate money and regulate its expenditure.

SECTION 2. The territorial treasurer is hereby designated and appointed custodian of all moneys received by the territory from the appropriations made by said Act of Congress, and he is authorized and directed to receive and provide for the proper custody of the same and to make disbursement thereof in the manner provided in said Act and for the purposes therein specified.

SECTION 3. The Territorial Board of Health heretofore designated by the Governor to cooperate with the Federal Board is hereby designated as the Territorial Board for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes. That the Territorial Board of Health is hereby designated as the Territorial Board for the purpose of carrying into effect the provisions of said Act of Congress.

No official, agent or representative of the Board of Health shall by virtue of this Act or said Acts of Congress have any right to enter any home over the objection of the owner thereof or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis or having custody of such child. Nothing of this Act shall be construed as limiting the power of parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose.

SECTION 4. The Board designated shall have full and complete authority and power to cooperate with the Federal Board for the promotion of welfare and hygiene of maternity and infancy, and for other purposes, created by the Act of Congress aforesaid, in the administration of the provisions of the said Act and to do all things necessary to entitle the territory to receive the benefits of each of the respective funds by said Act appropriated; to represent the territory in any and all matters arising out of or concerned with the administration of said Act of Congress, in so far as the same shall apply to this territory; to represent the territory in any or all matters in reference to the expenditure, distribution and disbursements of moneys received from said Act. The Board shall make an annual report to the Governor describing the conditions and progress of the promotion of the welfare and hygiene of maternity and infancy, and for other purposes during the year, and including therein an itemized statement showing the receipts and expenditures of all moneys used in connection with such activities.

SECTION 5. The Board is hereby authorized to make such expenditures for the expenses of the Board, for the salaries and expenses of assistant and supervisors, for office assistance and

maintenance, including printing, and for such other expenses as in the judgment of the Board are necessary for the proper administration of said Act of Congress.

SECTION 6. The sum of thirteen thousand four hundred fifty-one dollars and ninety-two cents (\$13,451.92) or as much thereof as may be needed, is hereby appropriated for the use of said Board in carrying out the purposes mentioned in Section 5 hereof out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated.

SECTION 7. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 32

[H. B. No. 214]

AN ACT TO AMEND SECTION 1189 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LEPERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1189 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1189. Discharge. Any person detained as a leper, whether at the hospital or at the settlement at Molokai, shall be released whenever the board shall be satisfied in any way that he is not a leper. Upon the request of any such person at any time not less than six months after any previous examination, he shall be examined by three licensed physicians, to be chosen in the manner provided in Section 1186. Upon decision by a majority of the examining physicians that he is not a leper he shall be discharged."

SECTION 2. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 33

[H. B. No. 236]

AN ACT TO AMEND SECTIONS 1084 AND 1085 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DENTAL HYGIENISTS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

27, P. 149 SECTION 1. Sections 1084 and 1085 of the Revised Laws of Hawaii 1925, are hereby amended to read as follows:

"Section 1084. Temporary license. Upon recommendation of the President of the Board of Health, the Board of Dental Examiners may issue, without examination, to any person qualified as aforesaid to be examined, a temporary license to practice as a dental hygienist under the employ of the Department of Public Instruction, or the Board of Health or any legally incorporated eleemosynary dispensary or infirmary, private school or welfare center; such temporary license to be in force only while said dental hygienist is in the employ of the said Department of Public Instruction, Board of Health or legally incorporated eleemosynary dispensary or infirmary, private school or welfare center, and shall automatically be cancelled when said dental hygienist shall have been examined by the Territorial Board of Dental Examiners, and shall be subject to revocation by said Board of Dental Examiners at any time."

P. 164 "Section 1085. Employment of and practice by dental hygienists. Any licensed dentist, legally incorporated eleemosynary dental dispensary or infirmary, private school or welfare center, the Department of Public Instruction, or the Board of Health, may employ such licensed dental hygienists. A dental hygienist may clean teeth, performing only such operations on the teeth as are cleansing, and may use such mouth washes as are approved by the Board of Dental Examiners, but shall not perform any repair work or the preparation thereof, or any other operation on the teeth or tissues of the mouth. He may operate in the office of any licensed dentist, or legally incorporated eleemosynary dental dispensary or infirmary, private school or welfare center, or in any building owned or occupied by the territory, but only under the aforesaid employment and under the direct or general supervision of a legally licensed dentist of the Territory of Hawaii."

SECTION 2. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 34

[H. B. No. 213]

AN ACT TO AMEND SECTIONS 909 AND 911 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PUBLIC HEALTH.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 909 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 909. Members. General charge of health. There shall be a board of health for the Territory of Hawaii consisting of seven members, four of whom shall be laymen, two physicians, and the attorney general, ex-officio. The members of the board shall be appointed by the Governor, who shall also appoint the President, with the advice and consent of the Senate of the territory, and shall be commissioned for four years. All of the members of the board shall serve without pay, except the President, whose salary shall be provided by the legislature. The President of the board shall preside at the meetings of the board, and in case of his absence, any member of the board may be chosen to preside over the meetings of the board. The President shall act as executive officer of said board of health, with all the powers and duties necessary for carrying on the executive work of said board; and shall with the exception of the Secretary, make the necessary appointments, changes and enforce all regulations and directions of the board, subject to ratification by the board at a regular or special meeting; to carry out the wishes of the board, as expressed at regular meetings, through the proper subordinates, and to see that the same are carried out, with full power and authority of action, including the appointment or suspension of subordinates, subject to ratification of the board of health at regular or special meetings. The board shall appoint its Secretary, who shall receive such compensation for his services as shall be provided by the legislature.

The board shall have the general charge, oversight and care of the health and lives of the people of the territory. It shall have authority in matters of quarantine and other health matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established. It shall be the duty of all county and city and county health authorities, sheriffs and police officers, and all other officers and employees of the territory, and every county or city and county thereof, to enforce the rules and regulations of the board of health. Such powers in health matters as have been or may be conferred upon any county or city and county shall be concurrent with those of the board of

health. It shall make, through its President, an annual report to the Governor, showing in detail all its expenditures and transactions, and such other information regarding the public health as it may deem of special interest.

The board of health shall keep a regular record of its proceedings. The board shall also, during the prevalence of any severe pestilence, or epidemic, publish a weekly report of the public health."

SECTION 2. Section 911 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 911. Agents. There shall be appointed by the President, subject to confirmation by the Board, a suitable number of agents in such localities as may be necessary, whose duty it shall be to carry into effect all regulations for the public health; and such agents shall be held accountable for moneys received and disbursed by them on account of the public health, and also for the manner in which they may discharge their several duties."

SECTION 3. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 35

[S. B. No. 22]

AN ACT TO AMEND ACT 214 OF THE SESSION LAWS OF 1923,
RELATING TO PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Item 27 contained in Section 2 of Act 214 of the Session Laws of 1923 is hereby amended to read as follows:

"27. Kamehameha Highway\$700,000.00
From Waiahole Bridge toward Haleiwa; provided that the construction of said highway need not be continuous; that such construction may be wholly or in part of Portland cement concrete or bituminous concrete of a standard type; that the grade and line of the present road be

altered as little as is compatible with good construction to the end that the present roadbed be utilized as a base for the new pavement; that all widening of the right-of-way, where practicable, shall be on the mauka side; and provided further, that the alignment of the highway shall be carried approximately along the rear of Kaaawa Park and hence as directly as good engineering permits to the existing roadway on either side of Kaaawa Park, in accordance with the plans and specifications to be prepared by the City and County Engineer, and approved by the Superintendent of Public Works."

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 36

[S. B. No. 119]

AN ACT APPROPRIATING THE SUM OF SEVEN THOUSAND TWO HUNDRED SIXTY AND 90/100 DOLLARS (\$7,260.90) FOR THE RELIEF OF THE ADVERTISER PUBLISHING COMPANY, LIMITED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of seven thousand two hundred sixty and 90/100 dollars (\$7,260.90) is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the settlement of the claim of the Advertiser Publishing Company, Limited, for material furnished and labor performed in printing blank forms of tax returns, tax receipts, tax books, tax bills, etc., for the year 1925.

SECTION 2. The sum hereinbefore appropriated shall be paid upon the filing with the auditor of the territory of an approved voucher covering said sum.

SECTION 3. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 37

[S. B. No. 127]

AN ACT APPROPRIATING TEN THOUSAND DOLLARS FOR THE SUPPORT OF LAHAINALUNA SCHOOL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general fund of the Territory of Hawaii the sum of ten thousand dollars (\$10,000.00) to be added to the revolving fund now known as "Support of Lahainaluna."

SECTION 2. The tax assessor of the second taxation division shall in the year 1926 add to the tax rate of his taxation division to produce the sum of ten thousand dollars (\$10,000.00), which said sum of money shall be repaid into the general fund of the territory.

SECTION 3. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 38

[S. B. No. 139]

AN ACT TO REIMBURSE THE INSTITUTE FOR GOVERNMENT RESEARCH, WASHINGTON, D. C.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of one thousand eight hundred fifty dollars (\$1,850.00) out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the purpose of reimbursing the Institute for Government Research, Washington, D. C., for living expenses paid Henry P. Seidemann, C. P. A., while serving as consultant to the commission on public accountancy in formulating an accounting and reporting system for the territorial government.

SECTION 2. The amount herein appropriated shall be disbursed upon a warrant drawn by the auditor based upon a voucher approved by the chairman of the commission on public accountancy.

SECTION 3. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 39

[S. B. No. 183]

AN ACT MAKING APPROPRIATION OF THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR AN ADDITION TO THE REVOLVING FUND FOR KALAUPAPA STORE AS PROVIDED FOR IN SECTION 1202 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenue of the Territory of Hawaii the sum of five thousand dollars (\$5,000.00) as an addition to the revolving fund for Kalau-papa Store.

SECTION 2. The said sum should be expended as provided for in Section 1202 of the Revised Laws of Hawaii 1925.

SECTION 3. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 40

[H. B. No. 345]

AN ACT MAKING AN APPROPRIATION FOR MAINTENANCE AND ADDITIONS, WHARVES AND LANDINGS, MAUI, MOLOKAI AND LANAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twelve thousand dollars (\$12,000.00) is hereby appropriated from the general revenues of the territory, not otherwise appropriated, for the maintenance and additions to wharves and landings of Maui, Molokai and Lanai.

SECTION 2. The money hereby appropriated shall be expended by and under the direction of the Board of Harbor Commissioners of the Territory of Hawaii.

SECTION 3. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 41

[S. B. No. 11]

AN ACT TO AMEND SECTIONS 760, 761 AND 762 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO FISHING WITH EXPLOSIVES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 760 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 760. Use of dynamite and explosives prohibited. No person shall use giant powder, or any other explosive substance or poison in taking fish within or upon any harbors, streams, reefs or other waters within the jurisdiction of this territory, excepting that any person wishing to make any private or public improvement in any waters, or to clean or deepen a fish pond wherein the use of dynamite is necessitated can be granted per-

mission by either the sheriff of the county in which the work is to be done, or by a member of the board of fish and game commissioners, and said permission will only be granted after a written application has been made setting forth the reasons for doing the work and the days the explosive is to be used."

SECTION 2. Section 761 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 761. Evidence of. The possession of dynamite, or any kind of explosive or poison or blasting fusecaps, by fishermen, or persons in the habit of fishing, or persons who are in the water or close by the shore where fish can be taken, and who cannot show satisfactory cause for being in possession of same, or who are in possession of fish which show evidence of having been taken by any kind of explosive or poison, shall be prima facie evidence that such person is guilty of taking fish contrary to the provisions of Section 1."

[Sic]

SECTION 3. Section 762 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 762. Penalty. Whosoever violates the provisions of Section 1 shall be punished by a fine not exceeding five hundred dollars (\$500.00) nor less than fifty dollars (\$50.00) or by imprisonment not exceeding six months, or both, in the discretion of the court. One-half of all moneys collected from fines imposed under this Act shall be turned over to the person or persons assisting in the arrest and conviction of the violator."

SECTION 4. This Act shall take effect upon its approval.

Approved this 17th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 42

[S. B. No. 104]

AN ACT TO AMEND CHAPTER 180 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTIONS 3064, 3067 AND 3093 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO GUARDIANS AND WARDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3064 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3064. Circuit judges have jurisdiction. Circuit judges shall have jurisdiction to appoint guardians for the persons and estates or either of them of minors and others according to law."

SECTION 2. Section 3067 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3067. Bond. Every such guardian shall give a bond with surety or sureties, to the judge, in such sum as the judge shall order, with conditions as follows:

First. To make a true inventory of all the real estate and all the goods, chattels, rights and credits of the ward, that shall come to his possession or knowledge, and to return the same into the probate court at such times as the judge shall order;

Second. To dispose of and manage all such estate and effects according to law, and for the best interests of the ward, and faithfully to discharge his trust in relation thereto;

29, P. 181 Third. To render an account, on oath, of the property in his hands, including the proceeds of all real estate sold by him, and of the management and disposition of all such property, within one year after his appointment, and yearly thereafter, and at such other times as the judge shall direct;

Fourth. At the expiration of his trust, to settle his accounts with the judge, or with the ward, or his legal representatives, and to pay over and deliver all the estate and effects remaining in his hands, or due from him on such settlement, to the person or persons who shall be lawfully entitled thereto;

167 It is provided, however, if the trust extends solely to the guardianship of the person of the minor, the guardian shall not be required to give bond."

SECTION 3. Section 3093 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3093. Resignation, removal and death. Where any guardian appointed either by a testator or by any of the judges

hereinbefore mentioned, shall become insane or otherwise incapable of discharging his trust, or unsuitable therefor, or where it shall appear to any of said judges that it would be for the best interests of said minor to remove the guardian of its person, any of said judges, after notice to such guardian and to all others interested, may remove him, and every guardian may upon his request be allowed to resign his trust, when it shall appear to the judge proper to allow the same; and upon every such resignation or removal, and also upon the death of the guardian, the judge may appoint another in his stead."

SECTION 4. This Act shall take effect upon its approval.

Approved this 17th day of April, A. D. 1925.

W. R. FARRINGTON.

Governor of the Territory of Hawaii.

ACT 43

[H. B. No. 31]

AN ACT TO PROVIDE FOR THE APPROPRIATION OF TWO THOUSAND DOLLARS (\$2,000.00) TO BE IMMEDIATELY AVAILABLE FOR THE PURCHASING OF LAW BOOKS FOR THE USE OF THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Hawaii is hereby authorized, empowered and directed to appropriate the sum of two thousand dollars (\$2,000.00) out of any balance in the general fund of the treasury of the County of Hawaii, not otherwise appropriated or contracted for, for the purpose of purchasing law books for the Circuit Court of the Fourth Judicial Circuit.

SECTION 2. The amount of money appropriated under the provisions of Section 1 of this Act shall become available upon the approval of the Act, and shall be expended and paid out upon proper claim therefor duly certified to by the Circuit Judge of the Fourth Judicial Circuit.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 17th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 44

[H. B. No. 50]

AN ACT TO AMEND SECTION 175 OF THE REVISED LAWS OF HAWAII 1925, RELATIVE TO THE EIGHT-HOUR DAY FOR ALL MECHANICS, LABORERS, CLERKS AND OTHER EMPLOYEES EMPLOYED ON ANY PUBLIC WORK OR IN ANY PUBLIC OFFICE OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 175 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

86/33 "Section 175. Eight hours constitute a day. Eight hours of actual service on any working day, except on Saturday, on which day only five hours of actual service shall constitute a day's labor for all mechanics, laborers, clerks and other employees employed [Sic] upon any public work in any public office of this territory, or any political subdivision thereof, whether the work is done by contract or otherwise; provided, however, that three hundred thirty-six (336) hours of actual service for twenty-eight days shall constitute legal work for such period, except in emergency, for members of the fire department of the City and County of Honolulu, the number of hours for each day's work to be as fixed from time to time by the chief engineer of the fire department of the City and County of Honolulu."

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 45

[H. B. No. 82]

AN ACT TO REPEAL ACT 113 OF THE SESSION LAWS OF 1923,
MAKING APPROPRIATION FOR THE EXTENSION OF PECK ROAD
IN THE OLAA NEW TRACT, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 113 of the Session Laws of 1923, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 46

[H. B. No. 140]

AN ACT TO AMEND SECTION 4440 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO SEXUAL INTERCOURSE WITH A
FEMALE UNDER SIXTEEN AND PROVIDING PUNISHMENT
THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4440 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4440. Sexual intercourse with a female under sixteen; punishment. Whoever shall be convicted of having sexual or carnal intercourse with any female in the territory, under the age of sixteen years, not his lawful wife, shall be imprisoned at hard labor for not more than ten years."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 17th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 47

[H. B. No. 302]

AN ACT TO AMEND SECTION 3554 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO STATEMENTS OF PARTNERSHIPS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3554 of the Revised Laws of Hawaii 1925, relating to statements of partnerships, is hereby amended to read as follows:

"Section 3554. Statements. Whenever any two or more persons shall carry on business in the territory in co-partnership, it shall be incumbent on such persons to file, within thirty days after the commencement of business and thereafter annually, not later than March 1st, in the office of the treasurer, on blanks to be furnished by the treasurer, a statement of:

1. The names and residences of each of the members of the co-partnership;

2. The nature of the business of the co-partnership;

3. The firm name of the co-partnership;

4. The place or places of business of the co-partnership. The statement shall be acknowledged by each of the partners before a Notary Public or other duly authorized officer, in the manner provided by law, for the acknowledgment of deeds; provided, however, that the statement required to be filed annually need not be acknowledged, but shall be verified by the oath of the co-partners or any of them."

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of April, A. D. 1925.

W. R. FARRINGTON,

Governor of the Territory of Hawaii.

ACT 48

[H. B. No. 77]

AN ACT MAKING AN APPROPRIATION FOR THE ACQUISITION OF
LAND AT HANA, THE COUNTY OF MAUI, FOR A PUBLIC PARK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The commissioner of public lands is hereby authorized and directed to acquire by purchase, or otherwise, a suitable park in the District of Hana.

SECTION 2. There is hereby appropriated the sum of ten thousand dollars (\$10,000.00) out of the special fund designated as "Special Land Sales, Act 129, 1911, Maui" for the purpose of carrying out the intent of this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 49

[S. B. No. 175]

AN ACT MAKING APPROPRIATIONS FOR MARKING AND PRESERVING HISTORIC PLACES IN THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated to be paid out of any moneys in the treasury received from general revenues of the Territory the following sums and for the following purposes:

Seven hundred and fifty dollars (\$750.00) for clearing and marking the companion heiaus of Poliahu and Malae, and the Menehune Ditch at Waimea, County of Kauai;

Five hundred dollars (\$500.00) for (1) the erection of a tablet to mark the site of the battle between Kamehameha and the King of Maui in Iao Valley, and (2) marking the birthplace of Kaahumanu at the foot of Kauiki Hill in Hana, all in the County of Maui;

Seven hundred and fifty dollars (\$750.00) to clear the sites and mark with a memorial tablet the companion heiaus of Puukohola and Mailekini at Kawaihae in the County of Hawaii;

Five hundred dollars (\$500.00) for condemning and clearing the old heiau of Upo near Kailua, in the City and County of Honolulu.

SECTION 2. Said appropriations shall be expended by the superintendent of public works in accordance with plans approved by the historical commission, but any surplus remaining after attaining the objects herein set forth may be expended by said authority, subject to said approval, in preserving and marking other historic spots in the Territory.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 21st day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 50

[S. B. No. 215]

AN ACT TO AMEND SECTION 873 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO POWER TO ACQUIRE HEIAUS AND PUUHONUAS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 873 of the Revised Laws of Hawaii 1925. is hereby amended to read as follows:

"Section 873. Power to acquire. The superintendent of public works may acquire and preserve for and in behalf of the Territory ancient heiaus and puuhonuas, or other places of historical interest, or the sites or remains thereof throughout the Territory, and to that end may condemn the same and approaches thereto whenever they cannot be acquired by mutual agreement with the owners of the land upon which the same may be located."

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 51

[H. B. No. 296]

AN ACT PROVIDING FOR THE ACQUISITION AND MAINTENANCE OF THE KAILUA PALACE, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The commissioner of public lands is hereby authorized and directed to acquire, by purchase or otherwise, all of that piece or parcel of land situate at Kailua, Island and County of Hawaii, Territory of Hawaii, known as the Kailua Palace grounds together with all the improvements thereon.

SECTION 2. The Governor of Hawaii is hereby authorized and empowered to set aside by executive order, under such conditions as he may deem advisable, to the "Daughters of Hawaii", property acquired as aforesaid, for the purpose of maintaining and caring for such property as a Hawaiian museum.

SECTION 3. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any moneys in the treasury of the Territory, not otherwise appropriated, for the acquisition of the property and the maintenance and repair of the same.

SECTION 4. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 52

[H. B. No. 340]

AN ACT TO AMEND SECTION 200 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE NAME OF THE NATIONAL GUARD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 200 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 200. Who subject to duty. The militia shall consist of every able-bodied male citizen of the Territory of Hawaii, and

every able-bodied male of foreign birth who has declared his intention and is eligible to become a citizen of the United States, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes, the organized militia to be known as Hawaii National Guard, and the remainder to be known as the Reserve Militia."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 53

[H. B. No. 341]

AN ACT TO AMEND SECTION 216 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ELIMINATION AND DISPOSITION OF OFFICERS OF HAWAII NATIONAL GUARD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 216 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 216. Elimination and disposition of officers. At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, which board shall be appointed by the Governor, and if the findings of such board be unfavorable to such officer and be approved by the Governor, such officer shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon recommendation of an efficiency board, or pursuant to sentence of a court martial. Officers rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the Reserve."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 54

[H. B. No. 190]

AN ACT TO PROVIDE ADDITIONAL TAXATION FOR HOSPITAL AND
SANITARIUM PURPOSES IN THE COUNTY OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the second taxation division shall, commencing with the year 1926, and each year thereafter, increase the tax rate on real and personal property in said taxation division over that provided in any other law to an extent sufficient to provide the annual sum of two hundred thousand dollars (\$200,000.00) which shall, when collected, be paid to the treasurer of the County of Maui and be held by him in a special fund for the use with other moneys made available by the board of supervisors and by the Legislature of the Territory of Hawaii for the permanent improvement, maintenance and equipment of the Kula Sanitarium and the County Hospitals of the County of Maui. Providing that in computing the increase in the tax rate herein provided for, the tax assessor shall each year deduct from the said sum of two hundred thousand dollars (\$200,000.00) the amount remaining unexpended or uncontracted for at the end of the preceding calendar year, of the money raised by such additional tax prior to the year for which such increase in rate is computed. L/32 P/67

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 55

[H. B. No. 396]

L/27 P 105

Am A 10 P 5/23

AN ACT TO ESTABLISH A RETIREMENT SYSTEM TO PROVIDE FOR
THE RETIREMENT OF EMPLOYEES OF THE TERRITORY OF
HAWAII AND TEACHERS IN THE PUBLIC SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii: Am A 8/3/25
See A 157/3
Am A 181/3

SECTION 1. Definitions. The following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

The Property of the Territory of
Hawaii in the official keeping of

(1) "Retirement System" shall mean the Employees' Retirement System of the Territory of Hawaii as defined in Section 2 of this Act.

(2) "Employee" shall mean any regular and permanent employee or officer of the Territory of Hawaii whose business time is devoted exclusively to the service of the Territory, including inspectors, principals, teachers and special teachers regularly employed in the public schools of the Territory of Hawaii. The board of trustees shall determine who are employees within the meaning of this Act.

(3) "Member" shall mean any person included in the membership of the system as provided in Section 3 of this Act.

(4) "Board of Trustees" shall mean the board provided in Section 5 of this Act to administer the retirement system.

(5) "Medical Board" shall mean the board of physicians provided in Section 5, Subsection 12 of this Act.

(6) "Service" shall mean service as an employee as described in Subsection 2, of this Section, and paid for by the Territory of Hawaii.

(7) "Prior Service" shall mean all service as an employee rendered prior to the date the system becomes operative, and such additional service rendered prior to the establishment of the system for which credit is allowable under the provisions of Subsection 1, of Section 4 of this Act.

(8) "Membership Service" shall mean service as an employee rendered since becoming a member.

(9) "Creditable Service" shall mean "Prior Service" plus "Membership Service" as provided in Section 4, Subsection 5 of this Act.

(10) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this Act.

(11) "Regular Interest" shall mean interest at four per centum per annum, compounded annually.

(12) "Accumulated Contributions" shall mean the sum of all the amounts deducted from the compensation of a member and credited to his individual account in the Annuity Savings Fund together with regular interest thereon as provided in Sections 7 and 8 of this Act.

(13) "Average Final Compensation" shall mean the average annual compensation, pay, or salary earnable by a member during his last ten years of service as an employee, or if he has had less than ten years of service then the average annual compensation, pay or salary earnable by him during his actual years of service.

(14) "Annuity" shall mean payments for life derived from the "Accumulated Contributions" of a member. All annuities shall be paid in equal monthly installments.

(15) "Pension" shall mean payments for life derived from money provided by the Territory of Hawaii. All pensions shall be paid in equal monthly installments.

(16) "Retirement Allowance" shall mean the sum of the "Annuity" and the "Pension" or any benefits in lieu thereof granted to a member upon retirement.

(17) "Annuity Reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity granted under the provisions of this Act upon the basis of such mortality tables as shall be adopted by the board of trustees and regular interest.

(18) "Pension Reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the board of trustees and regular interest.

SECTION 2. Name and date of establishment. A retirement system is hereby established and placed under the management of the board of trustees hereinafter described for the purpose of providing retirement allowances for employees of the Territory of Hawaii. It shall have the powers and privileges of a corporation and shall be known as the "Employees' Retirement System of the Territory of Hawaii", and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held. The retirement system so created shall begin operation as of the first day of January, 1926.

SECTION 3. Membership.

(1) Membership in the retirement system shall begin not earlier than the first day of January, 1926. The membership shall consist of the following:

(a) All persons who become employees and all employees who enter or re-enter the service of the Territory of Hawaii after the first day of January, 1926, may become members on their own application and all such employees who shall complete six months of service thereafter shall become members of the retirement system and shall receive no pension or retirement allowance from any other pension or retirement system supported wholly or in part by the Territory of Hawaii, nor shall they be required to make contributions under any other pension or retirement system of said Territory, anything to the contrary notwithstanding.

(b) All employees in service on the first day of January, 1926, shall become members as of the said first day of January, 1926; provided, however, that any such employee may notify the board of trustees on or before such date in such form as the board may

prescribe that he does not desire to become a member and in such case the board shall exclude him from the membership.

(2) An employee whose membership in the retirement system is contingent on his own election and who elects not to become a member may thereafter apply for and be admitted to membership; but no such employee shall receive prior service credit unless he becomes a member on or before the first day of January, 1927.

(3) The board of trustees may deny the right to become members to any class of elected officials or to any class of part time employees, or it may, in its discretion, make optional with persons in any such classes their individual entrance into membership.

(4) Should any member in any period of six consecutive years after last becoming a member be absent from service more than five years, or should he withdraw his accumulated contributions, or should he become a beneficiary or die, he shall thereupon cease to be a member, except that should a member be removed from service involuntarily, without fault or delinquency on his part, after twenty years of creditable service, he may file, within 90 days following such removal, a statement with the board of trustees setting forth the conditions of such removal, and if, upon verification the board of trustees shall find that such removal was involuntary and without fault or delinquency on the part of the member, it shall issue to such member a special membership certificate which shall entitle such member to remain out of the service without contribution and without earnable compensation and to continue his membership until the attainment of age sixty and thereupon to make application for service retirement and to retire on the basis of his years of creditable service and compensation previous to such removal.

(5) It shall be the duty of the head of each department to submit to the board of trustees a statement showing the name, title, compensation, duties, date of birth and length of service of each member and such information regarding other employees as the board of trustees may require. The board of trustees shall then classify each member in one of the following groups:

Group 1. General employees, including administrative, clerical, professional and technical workers; mechanics, laborers and all others not otherwise classified.

Group 2. Teachers, including all teachers regularly engaged in the public schools of the Territory of Hawaii whose salaries are wholly or partly paid by the said Territory.

Or in any other group of not less than two hundred and fifty (250) members which may be hereafter recommended by the actuary on the basis of the service and mortality experience and approved by the board of trustees, to cover part of any group or groups previously created or any additional classes of employees.

SECTION 4. Service creditable.

(1) Under such rules and regulations as the board of trustees shall adopt each member who was an employee on and prior to the first day of January, 1926, and who became a member within the first year following such date shall file a detailed statement of all service as an employee rendered by him prior to that date for which he claims credit including service in a similar capacity paid for by the Republic of Hawaii or by the preceding provisional or monarchical governments, or the government of any city or county of Hawaii, and all service creditable to him under any other retirement system supported wholly or in part by the Territory of Hawaii at the time he became a member of this system and of such other facts as the board of trustees may require for the proper operation of the retirement system. L. 1927, P. 257

(2) The board of trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the employee was absent without pay.

(3) Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed.

(4) Upon verification of the statements of service the board of trustees shall issue prior service certificates certifying to each member the length of prior service with which he is credited on the basis of his statement of service. So long as membership continues a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the board of trustees to modify or correct his prior service certificate.

When membership ceases such prior certificate shall become void. Should the employee again become a member, such employee shall enter the system as an employee not entitled to prior service credit except as provided in Section 6, Subsection 7, Paragraph (b) of this Act.

(5) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

SECTION 5. Administration.

(1) The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of this Act are hereby vested in a board of trustees which shall be organized immediately after four of the trustees provided for in this section have qualified and taken the oath of office.

(2) The board shall consist of five trustees as follows:

(a) The treasurer of the Territory of Hawaii, ex-officio.

(b) The auditor of the Territory of Hawaii, ex-officio.

(c) A member of the system to be elected by the membership of the system, under such rules and regulations as may be adopted by the board of trustees to govern such election, to serve for a term of two years; provided, however, that the term of office of the first trustee so elected shall expire January 1, 1928.

(d) Two citizens of the Territory of Hawaii who are not employees within the meaning of this Act, one of whom shall be a responsible officer of a bank authorized to do business within the Territory, or a person with similar experience, to be appointed by the governor of the Territory to serve for terms of four years each; provided, however, that immediately following the passage of this Act the governor shall appoint one trustee to serve until January 1, 1927, and one trustee to serve until January 1, 1929, such trustees to take office at appointment.

(3) If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except in case of the trustee elected by the members, in which latter case the vacancy may be filled for the unexpired term by the appointment of a member by the remaining trustees of the board.

(4) The trustees shall serve without compensation, but they shall be reimbursed from the expense fund for all necessary expenses and for any loss of salary or wages they may suffer through serving on the board.

(5) Each trustee shall, within ten days after his appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the said board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, and certified by the officer before whom it is taken, and shall be immediately filed in the office of the secretary of the Territory.

(6) Each trustee shall be entitled to one vote in the board. Three votes shall be necessary for a decision by the trustees at any meeting of said board.

(7) Subject to the limitations of this Act the board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this Act and for the transaction of its business.

(8) The board of trustees shall elect from its membership a chairman and shall by a majority vote of all its members appoint a secretary, who may be, but need not be, one of its members. It shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board of trustees, and all other expenses of the board necessary for operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve.

(9) The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

(10) The board of trustees shall keep a record of all of its proceedings which record shall be open to public inspection. It shall publish annually on or before the first day of January a report showing in detail the fiscal transactions of the retirement system for the year ending on the preceding thirtieth day of June, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system. The board shall submit said report to the governor and shall furnish copies thereof to the heads of the various departments for their use and the use of the members employed therein.

Legal adviser.

(11) The attorney general of the Territory of Hawaii shall be the legal adviser of the board of trustees.

Medical board.

(12) The board of trustees shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases.

The medical board shall arrange for and pass upon all medical examinations required under the provisions of these rules and regulations, shall investigate all essential statements and certificates by or on behalf of a member in connection with application for disability retirement, and shall report in writing to the board of trustees its conclusions and recommendations upon all the matters referred to it.

Duties of actuary.

(13) The actuary shall be the technical adviser of the board of trustees on the matters regarding the operation of the funds

created by the provisions of this Act and shall perform such other duties as are required in connection therewith.

(14) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of trustees shall authorize and on the basis of such investigation he shall recommend for adoption by the board of trustees such tables and such rates as are required in Subsection 15, Paragraphs (a), (b) and (c) of this section. On the basis of such recommendation the board of trustees shall adopt tables and certify rates, and as soon as practicable thereafter, the actuary shall make a valuation based on such tables and rates, of the assets and liabilities of the funds created by this Act.

(15) In the year 1929 and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the funds of the system and taking into account the result of such investigation and valuation, the board of trustees shall

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary;

(b) Certify the rates of contribution payable by members under the provisions of this Act; and

(c) Certify the rates of contribution payable by the Territory of Hawaii on account of new entrants at various ages.

(16) On the basis of such tables as the board of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this Act.

SECTION 6. Benefits.

Service Retirement Benefit.

(1) Retirement of a member on a service retirement allowance shall be made by the board of trustees as follows:

(a) Any member may retire upon his written application to the board of trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired provided that the said member at the time so specified for his retirement shall have attained the age of sixty and notwithstanding that, during such period of notification, he may have separated from service.

(b) On or after January 1, 1930, each member who has attained the age of seventy, shall be retired forthwith, or on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy years.

Allowance on Service Retirement.

(2) Upon retirement for service a member shall receive a service retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(b) A pension, in addition to his annuity, which shall be equal to one one-hundred and fortieth of his average final compensation multiplied by the number of years of his service since he last became a member; and

(c) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to one-seventieth of his average final compensation multiplied by the number of years of service certified to him on his prior service certificate.

Ordinary Disability Retirement Benefit.

(3) Upon the application of a member or of the head of his department, any member who has had ten or more years of creditable service shall be retired by the board of trustees, not less than thirty and not more than ninety days next following the date of filing such application, on an ordinary disability retirement allowance, provided that the medical board after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

Allowance on Disability Retirement.

(4) Upon retirement for disability a member shall receive a service retirement allowance if he has attained age 60; otherwise he shall receive a disability retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(b) A pension which, together with his annuity, shall be equal to ninety per centum of one-seventieth of his average final compensation multiplied by the number of years allowable to him,

(c) For the total service actually rendered by him if such retirement allowance exceeds one-quarter of his average final compensation, otherwise,

(d) For the total service which would be rendered by him were his service to continue until attainment of age sixty, so far as the resulting total retirement allowance shall not exceed one-quarter of his average final compensation.

Accidental Disability Benefit.

(5) Upon application of a member, or of the head of his department, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, through no negligence on his part,

shall be retired by the board of trustees, provided that the medical board shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

Allowance on Accidental Disability Retirement.

(6) Upon retirement for accidental disability a member shall receive a retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(b) A pension in addition to the annuity of sixty-six and two-thirds per centum of his average final compensation.

Re-examination of Beneficiaries Retired on Account of Disability.

(7) Once each year during the first five years following the retirement of a member on a disability retirement allowance and once in every three-year period thereafter, the board of trustees may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of said beneficiary or other place mutually agreed upon, by a physician or physicians designated by the medical board. Should any disability beneficiary who has not yet attained the age of sixty refuse to submit to at least one medical examination in any year by a physician or physicians designated by the medical board, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to such retirement allowance may be revoked by the board of trustees.

(a) Should the medical board report and certify to the board of trustees that such disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of trustees concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted nor an amount, which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the retirement system.

(b) Should a disability beneficiary be restored to active service at a compensation not less than his average final compensation, his retirement allowance shall cease, he shall again become a member of the retirement system, and he shall contribute to the said fund thereafter at the same rate he paid prior to disability. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition upon his subsequent retirement he shall be credited with all his service as a member.

Ordinary Death Benefit.

(8) Upon the receipt of proper proofs of the death of a member there shall be paid to his estate or to such person having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board of trustees,

(a) His accumulated contributions and, if the member has had one or more years of creditable service, and no pension be payable under the provisions of Subsection 9 of this section in addition thereto,

(b) An amount equal to 50% of the compensation earnable by him during the year immediately preceding his death.

Accidental Death Benefit.

(9) Upon the receipt of proper proofs of the death of a member by the board of trustees there shall be paid to the member's designated beneficiary or to his estate the amount of his accumulated contributions and if upon the receipt of evidence or proofs that such death was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty the board of trustees shall decide that the death was the result of an accident in the performance of duty and not caused by negligence on the part of the member there shall be paid in lieu of the ordinary death benefit provided by the contributions of the Territory, a pension of one-half of the average final compensation of such employee.

(a) To his widow, to continue during her widowhood; or

(b) If there be no widow, or if the widow dies or remarries before any child of such deceased member shall have attained the age of eighteen years, then to his child or children under said age, divided in such manner as the board of trustees in its discretion shall determine, to continue as a joint and survivor pension of one-half his final compensation until every child dies or attains said age; or

(c) If there be no widow or child under the age of eighteen years surviving such deceased member, then to his dependent father or dependent mother, as the deceased member shall have nominated by written designation duly acknowledged and filed with the board of trustees or if there be no such nomination, then to his dependent father or to his dependent mother as the

board of trustees in its discretion shall direct, to continue for life.

Return of Accumulated Contributions.

(10) Should a member cease to be an employee except by death or retirement he shall be paid such part of the amount of his accumulated contributions standing to the credit of his individual account in the Annuity Savings Fund as he shall demand; provided, however, that the board of trustees may, in its discretion, withhold for not more than one year after a member last ceased to be an employee all or part of his accumulated contributions, if after a previous discontinuance of service he withdrew from the Annuity Savings Fund all or part of the amount of his accumulated contributions and failed to redeposit such withdrawn amount in such fund.

Optional Allowances.

(11) With the provision that no optional selection shall be effective in case a beneficiary dies within thirty days after retirement, and that such a beneficiary shall be considered as an active member at the time of death; until the first payment on account of any benefit becomes normally due, any member may elect to receive his benefit in a retirement allowance payable throughout life or he may elect to receive the actuarial equivalent, at that time, of his retirement allowance in a lesser retirement allowance, payable throughout life with the provision that:

Option 1. If he dies before he has received in payments the present value of his retirement allowance as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the board of trustees.

Option 2. Upon his death, his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death, one-half of his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of trustees at the time of his retirement.

Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate provided such other benefit or benefits, together with the lesser retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of trustees.

Pensions Offset by Compensation Benefits.

(12) Any amounts which may be paid or payable by the Territory of Hawaii under the provisions of any workmen's compensation or similar law to a member or to the dependents of a

member on account of any disability or death shall be offset against and payable in lieu of any benefits payable out of funds provided by the Territory of Hawaii under the provisions of this Act on account of the same disability or death. In case the present value of the total commuted benefits under said workmen's compensation or similar law is less than the pension reserve on the benefits otherwise payable from funds provided by the Territory of Hawaii under this Act, then the present value of the commuted payments shall be deducted from the pension reserve and such benefits as may be provided by the pension reserve so reduced shall be payable under the provisions of this Act.

SECTION 7. Management of Funds.

(1) The board of trustees shall be the trustees of the several funds created by this Act as provided in Section 8 and shall have full power to invest and reinvest such funds, subject to all the terms, conditions, limitations and restrictions imposed by law upon life insurance companies in the making and disposing of their investments; and subject to like terms, conditions, limitations and restrictions, said trustees shall have full power to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as of the proceeds of said investments and any moneys belonging to said funds.

(2) The board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the Expense Fund. The amounts so allowed shall be due and payable to said funds, and shall be annually credited thereto by the board of trustees from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid by the Territory of Hawaii and any excess of earnings over such amount required shall be deductible from the amounts to be contributed by the Territory of Hawaii. *Amended 10/23/23*

(3) The treasurer of the Territory of Hawaii shall be the custodian of the several funds. All payments from said funds shall be made by him only upon vouchers signed by the chairman and countersigned by such other person as may be designated by the board of trustees.

(4) For the purpose of meeting disbursements for pensions, annuities and other payments there may be kept available cash, not exceeding ten per centum of the total amount in the several funds of the retirement system, on deposit in one or more banks or trust companies of this Territory, organized under the laws thereof or of the United States; provided, that the sum on deposit

in any one bank or trust company shall not exceed twenty-five per centum of the paid up capital and surplus of such bank or trust company.

(5) Except as herein provided, no trustee and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board of trustees, nor as such receive any pay or emolument for his services. No trustee or employee of the board shall, directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or employee of the board become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the board of trustees.

SECTION 8. Method of Financing. The funds hereby created are the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Accumulation Fund, the Pension Reserve Fund and the Expense Fund.

Annuity Savings Fund.

(1) The Annuity Savings Fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Upon the basis of such tables as the board of trustees shall adopt and regular interest, the actuary of the retirement system shall determine for each member the proportion of compensation which, when deducted from each payment of his prospective earnable annual compensation prior to his attainment of age sixty and accumulated at regular interest until his attainment of such age shall be computed to provide at that time an annuity equal to the pension to which he will be entitled at that age on account of his service as a member. Such proportion of compensation shall be computed to remain constant.

(a) The proportion so computed for a member one year younger than the minimum retirement age shall be applied to a member who attains a greater age before he becomes a member of the retirement system. The board of trustees shall certify to the head of each department and the head of each department shall cause to be deducted from the salary of each member on each and every payroll of such department for each and every payroll period, the proportion of earnable compensation of each member so computed but the head of any department shall not make any deduction for annuity purposes from the compensation of a member who elects not to contribute if he has attained the minimum retirement age, and has completed thirty-five years of service. In determining the amount earnable by a member in a payroll period, the board of trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period and it may omit

deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one percentum of the annual compensation upon the basis of which such deduction is to be made.

(b) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The head of each department shall certify to the board of trustees on each and every payroll the amounts to be deducted; and each of said amounts shall be deducted and when deducted shall be paid into said Annuity Savings Fund and shall be credited together with regular interest thereon, to the individual account of the member from whose compensation said deduction was made.

(c) In addition to the contributions deducted from compensation as hereinbefore provided, any member may redeposit in the Annuity Savings Fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he previously withdrew therefrom as provided in this Act, or any part thereof; or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity, which, together with his prospective retirement allowance will provide for him a total retirement allowance of not to exceed one-half of his average final compensation at age sixty. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of disability retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value. The accumulated contributions of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death as provided in this Act, shall be paid from the Annuity Savings Fund. Upon the retirement of a member his accumulated contributions shall be transferred from the Annuity Savings Fund to the Annuity Reserve Fund.

Annuity Reserve Fund.

(2) The Annuity Reserve Fund shall be the fund from which shall be paid all annuities and all benefits in lieu of annuities,

payable as provided in this Act. Should a beneficiary retired on account of disability be restored to active service with a compensation not less than his average final compensation at the time of his last retirement his annuity reserve shall be transferred from the Annuity Reserve Fund to the Annuity Savings Fund and credited to his individual account therein.

Pension Accumulation Fund.

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3) (3) The Pension Accumulation Fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by the Territory of Hawaii and from which shall be paid all pensions and other benefits on account of members with prior service credit and the lump sum death benefits for all members payable from the said contributions. Contributions to and payments from the Pension Accumulation Fund shall be made as follows:

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5/33 (a) On account of each member who is an employee of the Territory of Hawaii there shall be paid annually into the Pension Accumulation Fund by the said Territory, for the preceding fiscal year a certain percentage of the earnable compensation of each member to be known as the "normal contribution", and an additional percentage of his earnable compensation to be known as the "accrued liability contribution". The rates per centum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuations. Until the first valuation the normal contribution shall be two and ninety-nine hundredths per centum and the accrued liability contribution shall be two and seventy-seven hundredths per centum of the annual compensation of all members.

31/33 (b) On the basis of regular interest and of such mortality and other tables as shall be adopted by the board of trustees, the actuary engaged by the board to make each valuation required by this Act during the period over which the deficiency contribution is payable, immediately after making such valuation, shall determine the uniform and constant percentage of the earnable compensation of the average new entrant, which, if contributed on the basis of compensation of such new entrant throughout his entire period of active service would be sufficient to provide for the payment of any death benefit or pension payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable, the normal contribution shall be the rate per centum of the earnable salary of all members obtained by deducting from the total liabilities of the Pension Accumulation Fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by

the board of trustees and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation.

(c) Immediately succeeding the first valuation, the actuary engaged by the board of trustees shall compute the rate per centum of the total annual compensation of all members which is equivalent to four per centum of the amount of the total pension and death benefit liability on account of all members and beneficiaries which is not dischargeable by the aforesaid normal contribution made on account of such members during the remainder of their active service. The rate per centum originally so determined shall be known as the "accrued liability contribution rate".

(d) The total amount payable in each year to the Pension Accumulation Fund shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year; provided, however, that the amount of each annual accrued liability contribution shall be at least three per centum greater than the preceding annual accrued liability payment and that the aggregate payment by the Territory of Hawaii shall be sufficient, when combined with the amount in the fund to provide the pensions and other benefits payable out of the fund during the year then current.

(e) The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the Pension Accumulation Fund shall equal the present value, as actuarially computed and approved by the board of trustees, of the total liability of such fund less the present value computed on the basis of the normal contribution rate then in force, of the normal contributions to be received on account of persons who are at that time members.

(f) All pensions, and benefits in lieu thereof, with the exception of those payable on account of members who received no prior service allowance and all lump sum death benefits on account of death in active service payable from contributions of the Territory of Hawaii shall be paid from the Pension Accumulation Fund.

(g) Upon the retirement of a member not entitled to credit for prior service, an amount equal to his pension reserve shall be transferred from the Pension Accumulation Fund to the Pension Reserve Fund.

Pension Reserve Fund.

(4) The Pension Reserve Fund shall be the fund from which shall be paid the pensions to members not entitled to credit for prior service and benefits in lieu thereof. Should such a beneficiary retired on account of disability be restored to active service with a compensation not less than his average final compensation at the time of his last retirement the pension reserve thereon shall be transferred from the Pension Reserve Fund to the Pension Accu-

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mulation Fund. Should the pension of such a disability beneficiary be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his pension shall be paid annually into the Pension Accumulation Fund during the period of such reduction.

Expense Fund.

(5) The Expense Fund shall be the fund to which shall be credited all money provided by the Territory of Hawaii to pay the administration expenses of the retirement system, and from which shall be paid all the expenses necessary in connection with the administration and operation of the system. Bi-annually, the board of trustees shall estimate the amount of money necessary to be paid into the Expense Fund during the ensuing biennium to provide for the expense of operation of the retirement system.

(6) On or before the first day of October in the year 1926 and in each second year thereafter the board of trustees shall certify to the Governor of the Territory of Hawaii the amount of the appropriation necessary to pay to the various funds of the retirement system the amounts payable by the Territory of Hawaii as enumerated in this Act for the biennium beginning as of July 1 of the year next following, and items of appropriation providing such amounts shall be included in the general appropriation bill of the Territory when it is presented to the legislature for final passage. In its certification the board of trustees shall indicate what part of the total payment of the Territory is required on account of members whose salaries are paid from School Funds and what part is required on account of other members, and the amounts appropriated shall be chargeable to the School Funds and to the General Fund accordingly.

(a) To cover the requirements of the system for the period prior to the first day of July, 1927, special payments shall be included in the general appropriation bill and in the amount raised by general property tax for school purposes, which amounts shall be paid into the Pension Accumulation Fund and the Expense Fund.

SECTION 9. Provision for discontinuing the existing teachers' retirement fund. The retirement fund for pensioning retired teachers of the public schools of the Territory of Hawaii as provided by Chapter 31 of the Revised Laws of Hawaii 1925, shall be discontinued as of the first day of January, 1926, on which date such last mentioned Chapter shall be and is hereby repealed. On or before the thirteenth day next following, the superintendent and commissioner of public instruction shall cause to be placed in the custody of the board of trustees created by this Act a record of all teachers then drawing pensions from such discontinued retirement fund together with a record of all members of such

fund and the respective amounts which they have individually contributed to such fund. All cash and securities of such fund shall be transferred to the credit of the Pension Accumulation Fund created by this Act as of January 1, 1926, and thereafter the pensions of all teachers on the pension roll on the date of discontinuance shall be continued and paid from the Pension Accumulation Fund at the rates at which they were paid prior to such date. The board of trustees shall further transfer from the Pension Accumulation Fund to the Annuity Savings Fund and credit to the individual account of each member who was a member of such discontinued retirement fund an amount equal to the full amount which he had previously contributed to such discontinued fund, which amount shall be credited as of the date on which he shall become a member of the retirement system created by this Act and shall thereafter bear interest and be treated as an extra contribution to the credit of such teacher, in addition to all of the benefits allowable to such members under the general provisions of this retirement system.

SECTION 10. Payment of existing pensions. With the exception of teachers retired under the provisions of Chapter 31 of the Revised Laws of Hawaii 1925, as provided for in Section 9, the pensions of all persons retired prior to the passage of this Act and granted pensions on account of service for the Territory of Hawaii shall, if in force on June 30, 1925, be continued and paid on and after the first day of July, 1925, from the Pension Accumulation Fund of this system. Any amounts appropriated on account of the payment of such pensions shall be transferred and paid into the Pension Accumulation Fund. Any additional amounts required to continue such pensions shall be provided by an increase in the accrued liability contribution otherwise payable to the Pension Accumulation Fund. L 27, P 31
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SECTION 11. Guaranty. Regular interest charges payable, the creation and maintenance of reserves in the Pension Accumulation Fund and the maintenance of annuity reserves and pension reserves as provided for and the payment of all pensions, annuities, retirement allowances, refunds and other benefits granted under the provisions of this Act and all expenses in connection with the administration and operation of the retirement system are hereby made obligations of the Territory of Hawaii. All income, interest and dividends derived from deposits and investments authorized by this article shall be used for the payment of the said obligations of the said Territory. Any amounts derived therefrom, which, when combined with regular appropriations made under the provisions of this article, exceed the amount required Am A 18/1
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to provide such obligations, shall be used to reduce the regular appropriations otherwise required.

28/38 SECTION 12. Exemption from taxation and execution. The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this Act and the moneys in the various funds created under this Act are hereby exempt from any tax of the Territory of Hawaii and shall not be subject to execution, garnishment, attachment or any other process whatsoever and shall be unassignable except as in this Act specifically provided.

28/33 SECTION 13. Protection Against Fraud. Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable therefor under the laws of the Territory of Hawaii. Should any change or error in records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the board of trustees shall correct such error, and as far as practicable, shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

SECTION 14. Limitation of other statutes.

(1) No other provision of law in any other statute which provides wholly or partly at the expense of the Territory of Hawaii or any civil division or municipality thereof for pensions or retirement benefits for employees of the said Territory or of any civil division or municipality thereof, their widows or other dependents shall apply to members or beneficiaries of the retirement system established by this Act, their widows or other dependents.

(2) The provisions of this Act shall be operative, any other provision of law to the contrary notwithstanding. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated.

SECTION 15. Date this Act becomes effective. Except as otherwise provided herein this Act shall take effect immediately.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 56

[H. B. No. 58]

AN ACT PROVIDING FOR A TERRITORIAL BUDGET SYSTEM.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definitions. When used in this Act. The terms "department and establishment" and "department" or "establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the territorial government, excepting the legislature. The term "budget" means the budget required to be transmitted to the legislature. The term "bureau" means the bureau of the budget. The term "director" means the director of the bureau of budget. The term "government" means the government of the Territory of Hawaii.

SECTION 2. Governor to transmit budget to legislature: Contents thereof. The governor shall transmit to the legislature on the first day of each regular session, and to each of the members of the Senate and the House of such legislature, ten days before the legislature convenes, a budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the government for the ensuing biennial period;

(b) His estimates of the receipts of the government during the ensuing biennial period, under (1) laws existing at the time the budget is transmitted and also (2) under the revenue proposals, if any, contained in the budget;

(c) The expenditures and receipts of the government during the last completed biennial period;

(d) Estimates of the expenditures and receipts of the government during the biennial period in progress;

(e) The amount of annual, permanent or other appropriations, including balances of appropriations for prior biennial periods, available for expenditure during the biennial period in progress, as of February first next preceding each regular session;

(f) Balanced statements of (1) the condition of the treasury at the end of the last completed biennial period, (2) the estimated condition of the treasury, at the end of the biennial period in progress, and (3) the estimated condition of the treasury at the end of the ensuing biennial period if the financial proposals contained in the budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the government.

SECTION 3. Recommendations of the Governor accompanying budget.

(a) If the estimated receipts for the ensuing biennial period contained in the budget, on the basis of laws existing at the time the budget is transmitted, plus the estimated amounts in the treasury at the close of the biennial period in progress, available for expenditure in the ensuing biennial period are less than the estimated expenditures for the ensuing biennial period contained in the budget, the Governor, in his message transmitting the budget, shall make recommendations to the legislature for new taxes, loans, or other appropriate action to meet the estimated deficiency;

(b) If the aggregate of such estimated receipts and such estimated amounts in the treasury is greater than such estimated expenditures for the ensuing biennial period, he shall make such recommendations as in his opinion the public interests require.

SECTION 4. Supplemental or deficiency estimates.

(a) The Governor from time to time may transmit to the legislature supplemental or deficiency estimates for such appropriations or expenditures as in his judgment may be necessary on account of laws enacted after the transmission of the budget, or are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the budget;

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the budget, would have required the Governor to make a recommendation under subdivision (a) of Section 3, he shall thereupon make such recommendation.

SECTION 5. Details of all appropriations as recommended to accompany the budget. The budget and estimates for lump-sum appropriations contained in the budget or transmitted under Section 4 shall be accompanied by statements showing, in such detail and form as may be necessary to inform the legislature, the manner of expenditure of such appropriations and of the corresponding appropriations for the biennial period in progress and the last completed biennial period. Such statements shall be in lieu of statements of like character now required.

SECTION 6. Estimates or requests for appropriations, etc., not be submitted to legislature by department officers or employees except by request. No estimate or request for an appropriation and

no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the government shall be met, shall be submitted to the legislature, or any committee thereof, by any officer or employee of any department or establishment, unless at the request, by resolution, of either the Senate or the House of Representatives.

SECTION 7. Bureau of the budget—its purposes, duties and powers—providing for a director of the bureau, the method of his appointment, his salary, etc. There is hereby created a bureau to be known as the bureau of the budget. The bureau shall be in charge of a director, who shall be appointed by the Governor and receive a salary of seven thousand five hundred dollars (\$7,500.00) a year. The bureau, under such rules and regulations as the Governor may prescribe, shall prepare for him the budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce or increase the estimates of the several departments or establishments.

The director, under such rules and regulations as the Governor may prescribe, shall appoint and remove, and fix the compensation where not otherwise specifically provided for by the legislature, of all employees of the bureau, and in all respects be responsible for the proper conduct and business administration of the bureau within the appropriations made therefor.

SECTION 8. Detailed study of departments and establishments by bureau. The bureau, when directed by the Governor, shall make a detailed study of the departments and establishments for the purpose of enabling the Governor to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) shall be made in (1) the existing organization, activities and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the re-grouping of services. The results of such study shall be embodied in a report or reports to the Governor, who may transmit to the legislature such report or reports or any part thereof with his recommendations on the matters covered thereby.

SECTION 9. Aid and information for certain committees of the legislature. The bureau shall, at the request of any committee of either House of the legislature, having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request.

SECTION 10. Information for bureau by departments and establishments: Access to books, papers, etc., thereof. Under such

regulations as the Governor may prescribe, (1) every department and establishment shall furnish to the bureau such information as the bureau may from time to time require, and (2) the director or any employee of the bureau when duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment.

SECTION 11. Departmental estimates; time for submission to bureau; failure to submit; form and manner of submission. The head of each department and establishment shall prepare or supervise the preparation of his departmental estimates and submit them to the bureau on or before November fifteenth preceding each biennial session of the territorial legislature. In case of his failure so to do, the Governor shall cause to be prepared such estimates and data as are necessary to enable him to include in the budget, estimates and statements in respect to the work of such department or establishment. The departmental estimate and any supplemental or deficiency estimates submitted to the bureau by the head of any department or establishment shall be prepared and submitted in such form, manner and detail as the Governor may prescribe.

SECTION 12. No expenditures to be made for items not specifically authorized by the legislature or the Governor. No head of a department shall expend or be allowed to expend any sum for any purpose whatsoever not specifically authorized by the legislature, and where distribution or expenditures are made under lump-sum appropriations, the head of each department shall be governed in making such distribution or expenditures by any authority of the legislature expressed by concurrent resolutions or otherwise, and in the absence of such legislative authority shall be governed by the authority and approval of the Governor.

SECTION 13. Appropriation for expenses of the bureau. There is hereby appropriated from any moneys available in the treasury of the Territory of Hawaii, for the expense of administering the bureau of the budget under the direction of the director, for the biennial period ending June 30, 1927, the sum of forty thousand dollars (\$40,000.00).

SECTION 14. This Act shall take effect from the date of its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 57

[H. B. No. 200]

AN ACT TO AMEND SECTION 1788 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MUNICIPAL GOVERNMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1788 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1788. It shall be the duty of the Mayor, on or immediately following the day from which his term of office begins, to appoint, with the approval of the Board of Supervisors, all appointive heads of the City and County of Honolulu, now or hereafter created or recognized by law or ordinance—except elected officials—and all other officials whose appointments are not otherwise provided for, the term of office of officers so appointed shall not extend over the term of office of such appointive and approval power. The Mayor may, with the approval of the said Board, remove from office any of such appointed officers. When a vacancy occurs in any elective office or in case of any department head or other official as aforesaid and provision is not otherwise made in this chapter, or by law, for filling the same, the Mayor, with such approval, shall appoint a suitable person to fill such vacancy, who shall hold office for the unexpired term unless otherwise removed."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 58

[H. B. No. 217]

AN ACT TO AMEND SECTION 1595 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SALARIES OF THE MEMBERS OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1595 of the Revised Laws of Hawaii 1925, is hereby amended so that, as amended, it shall read as follows:

"Section 1595. Salaries. The chairman and executive officer and other members of the Board of Supervisors of the County of Maui shall receive the salaries provided by law. The chairman and executive officer shall have and maintain an office at the county seat."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 59

[S. B. No. 25]

AN ACT TO AMEND SECTION 808 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EMINENT DOMAIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 808 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 808. Purposes for taking private property. Private property may be taken for the following purposes, which are declared to be public uses, to-wit: sites for public buildings, schools and school recreation grounds, fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, cemeteries, quarantine stations, pest-houses, hospitals, dumping places for garbage and refuse material, wharves, docks, piers, dams, reservoirs and bridges, also all necessary land over which to construct roads, canals, ditches, flumes, aqueducts, pipe lines and sewers; also all necessary land for the growth and protection of forests, public squares and pleasure grounds; also all necessary land for improving any harbor, river, or stream, removing obstructions therefrom, widening, deepening or straightening their channels; also all necessary land from which to obtain earth, gravel, stones, trees, timber, and all necessary material for the construction of any public work; also all land and property and interests therein necessary to be acquired for the establishment and maintenance of landing fields and hangars, and landing harbors for air-

ships including every kind of vehicle and/or structure intended for use as a means of transporting passengers and/or goods and/or materials in and through the air."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 60

[H. B. No. 65]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO ACQUIRE A SITE AND ERECT A HOME FOR AGED PEOPLE IN THE COUNTY OF MAUI, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Maui is hereby authorized and directed to appropriate out of the general funds of the County, the sum of twenty-five thousand dollars (\$25,000.00) for the purpose of acquiring a site and erecting thereon a home for aged people in the County of Maui.

SECTION 2. The Board of Supervisors is hereby directed to acquire the premises adjoining the Malulani Hospital, Wailuku, Maui, for this purpose.

SECTION 3. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 61

[S. B. No. 138]

AN ACT TO APPROPRIATE MONEY FOR THE USE OF THE COMMISSION ON PUBLIC ACCOUNTANCY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of twenty thousand dollars (\$20,000.00) out of the general revenues of the territory, not otherwise appropriated, for the payment of the current expenses and the purchase of equipment for the commission on public accountancy.

SECTION 2. The amount herein appropriated shall be disbursed on warrants drawn by the auditor, based upon vouchers approved by the chairman of the said commission on public accountancy.

SECTION 3. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 62

[S. B. No. 32]

AN ACT TO AMEND SECTIONS 1057, 1058, 1059, 1060 AND 1061 OF CHAPTER 84 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO VETERINARY MEDICINE, SURGERY AND DENTISTRY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The first paragraph of Section 1057 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1057. License required. No person shall practice veterinary medicine, surgery or dentistry in the Territory of Hawaii, either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself publicly or privately, as prepared or qualified to so practice, without having first obtained from the board of health, a license in form and style substantially as in this Chapter set forth.

Provided, however, that nothing in this Chapter shall be construed to prevent the medical, surgical or dental treatment of stock by the owners or the regular employees of owners, or by neighbors who do not assume to be practitioners of veterinary medicine, surgery or dentistry, or by members of the medical profession, in cases of emergency, and provided, further, that this Chapter shall not apply to commissioned veterinary surgeons of the United States Army."

SECTION 2. Section 1058 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1058. Applicant examined. No applicant shall be given such a license by the board of health except upon the written report of the board of veterinary examiners, to be appointed and constituted as in this Chapter provided, setting forth that the applicant named has been duly examined and found to be possessed of the necessary qualifications."

SECTION 3. The first paragraph of Section 1059 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1059. Examiners. For the purpose of carrying out the provisions of this Chapter the governor is authorized and directed to appoint, in the manner prescribed in Section 80 of the Organic Act, a board of veterinary examiners, whose duty it shall be to examine all applicants for license to practice veterinary medicine, surgery and dentistry, and to report the result of such examination to the board of health.

The board of veterinary examiners shall consist of three persons, all of whom shall be licensed veterinarians under the laws of the territory. The appointments, unless to fill an unexpired term, shall be for three years; subject, however, to removal by the governor in manner prescribed by Section 80 of the Organic Act. The members of the board of veterinary examiners shall serve without pay."

SECTION 4. Section 1060 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1060. Fee for license. No applicant for a license to practice veterinary medicine, surgery and dentistry shall be examined unless he shall have paid to the board of health a fee of ten dollars (\$10.00)."

SECTION 5. Section 1061 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1061. Form of license. The form of license to practice veterinary medicine, surgery and dentistry shall be substantially as follows:

'Territory of Hawaii, Board of Health.

License to Practice Veterinary Medicine, Surgery and Dentistry.

..... native of
age years, having been duly examined by the
board of veterinary examiners and having been recommended by
them as possessed of the necessary qualifications, is hereby licensed
to practice veterinary medicine, surgery and dentistry in the Ter-
ritory of Hawaii.

This license is granted and accepted on the express condition
that it may be revoked at any time for professional misconduct,
gross carelessness or manifest incapacity; such misconduct, gross
carelessness or manifest incapacity having been proven to the
satisfaction of the board of veterinary examiners and by that body
reported to the board of health.

Given under the seal of the board of health, this.....
day of, A. D.

.....
President, Board of Health.'"

SECTION 6. This Act shall take effect from and after the date
of its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 63

[S. B. No. 206]

~~AN ACT RELATING TO THE SINKING FUND OF THE CITY AND
COUNTY OF HONOLULU.~~

~~190 Be it Enacted by the Legislature of the Territory of Hawaii:~~

~~SECTION 1. Purchase of bonds, when. Provided it can be
shown to be to the financial advantage of the City and County of
Honolulu, the treasurer of said city and county with the approval
of the board of supervisors, is authorized, whenever there are any
funds to the credit of the sinking fund account in excess of the
amount needed for the redemption of any bonds then matured, to
buy with such funds, on the open market, any of the outstanding~~

bonds of the city and county, or to invest such funds in bonds or interest bearing notes or obligations of the United States, the Territory of Hawaii, or bonds of any political subdivision of said Territory of Hawaii, or bonds of any improvement district of the City and County of Honolulu. Provided, however, that the treasurer of said city and county shall not purchase any bond of any improvement district unless the total issue is of an amount less than fifty per cent the assessed valuation of the real property within such district.

SECTION 2. The treasurer of the City and County of Honolulu by and with the approval of the board of supervisors of said city and county, is further authorized and empowered to sell and dispose of such bonds at such times and for such prices as shall be to the financial advantage of the City and County of Honolulu. The expenses of such sale over and above the purchase price of said bonds shall be a proper charge against the sinking fund.

SECTION 3. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 64

[S. B. No. 180]

AN ACT TO AMEND SECTION 1668 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING PARAGRAPH NUMBERED 4 THEREOF, RELATING TO THE DUTIES OF THE COUNTY ATTORNEY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph numbered 4 of Section 1668 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"4. Draw all indictments, defend all suits brought against the county wherever brought, prosecute all recognizances forfeited in the courts of record, assist the tax assessor of his taxation division in the collection of delinquent taxes, and prosecute all actions

for the recovery of debts, fines, penalties, forfeitures and other claims accruing to the territory or the county ;”

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 65

[S. B. No. 181]

AN ACT TO AMEND SECTION 1815 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING PARAGRAPH NUMBERED 4 THEREOF, RELATING TO THE DUTIES OF THE CITY AND COUNTY ATTORNEY.

Be it Enacted by the Legislature of the Territory of Hawaii:

P. 20. SECTION 1. Paragraph numbered 4 of Section 1815 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“4. Draw all indictments, defend all suits brought against the city and county wherever brought, prosecute all recognizances forfeited in the courts of record, assist the tax assessor of his taxation division in the collection of delinquent taxes, and prosecute all actions for the recovery of debts, fines, penalties, forfeitures and other claims accruing to the territory or the city and county ;”

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 66

[H. B. No. 216]

AN ACT TO AMEND SECTION 74 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO REGISTRATION OF VOTERS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 74 of the Revised Laws of Hawaii 1925, is hereby amended so that, as amended, it shall read as follows:

"Section 74. Registration in more than one county prohibited. Whenever any person who has been registered as a voter in any county during the current registration period shall remove and desire to register in some other county, he shall sign a request directed to the clerk of the county in which he was formerly registered, requesting that his name be removed from the general register of said county, and deliver the same to the clerk of the county in which he desires to be registered, and thereupon the clerk of said county, if the person so applying is otherwise legally qualified to register, shall accept such registration and shall immediately thereafter forward to the clerk of the county in which said person was formerly registered, the request signed by such person that the name of such person be removed from the general county register of such former county of registration, which clerk shall thereupon remove said name from the register of his county; provided, that no such change of registration shall be allowed between the date of a primary election and the immediately succeeding general election as to any person who exercised the privilege of voting at said primary."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 67

[H. B. No. 287]

AN ACT TO PROHIBIT THE TAKING OF OPELU WITH BAIT WITH-
IN THE WATERS OF THE TERRITORY OF HAWAII AND TO
PRESCRIBE A PENALTY THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be unlawful for any person or persons at any time, to fish for or take, or be engaged in fishing or taking opelu with fish or animal bait within the waters of the Territory of Hawaii, except with hook and line.

SECTION 2. Penalty. Any person or persons who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00); one-half of which fine so imposed shall be paid to the person giving the information leading to the arrest and conviction of the person or persons so found guilty.

SECTION 3. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 68

[H. B. No. 324]

AN ACT FOR THE RELIEF OF ADELAIDE M. BAGGOTT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the sum of three hundred thirty-eight and 96/100 dollars (\$338.96) is hereby appropriated from the general revenues of the territory for payment to the said Adelaide M. Baggott, as additional salary for service as a teacher in the public schools during the years 1920-1921, 1921-1922, and 1922-1923, being the net difference between salary actually paid her and what she should have received.

SECTION 2. The auditor of the Territory of Hawaii is hereby authorized and directed to draw a warrant upon the treasurer of the Territory of Hawaii, payable to the order of said Adelaide M. Baggott, for the said sum of three hundred thirty-eight and 96/100 dollars (\$338.96) and to mail the said warrant to Adelaide M. Baggott, Lihue, Kauai, T. H.

SECTION 3. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 69

[H. B. No. 338]

AN ACT TO AMEND SECTION 214 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO OFFICERS, QUALIFICATIONS, APPOINTMENT AND TENURE IN HAWAII NATIONAL GUARD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 214 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 214. Officers, qualifications, appointment, tenure. Commissioned officers must be citizens of the United States and must not be less than twenty-one years of age. Officers shall be appointed upon the order of the governor and officers may be ordered up for examination for promotion. Officers must be selected from the following classes and shall have taken and subscribed the oath of office prescribed in the National Defense Act: Officers or enlisted men of the National Guard, officers on the Reserve or Unassigned List of the National Guard, officers, active or retired, and former officers of the United States Army, Navy and Marine Corps, enlisted men and former enlisted men of the Army, Navy or Marine Corps, who have received an honorable discharge therefrom, graduates of the United States Military and Naval Academies, and graduates of schools, colleges, universities and officers' training camps, where they have received military instruction under the supervision of an officer of the regular army, who certified their fitness for appointment as commissioned officers; and for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein. Staff officers

hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the Hawaii National Guard. The commissions of all officers shall continue in force until they are regularly relieved from duty, responsibility and accountability in accordance with law."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 70

[S. B. No. 80]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO FIVE NEW SECTIONS TO BE KNOWN AS SECTIONS 2093A, 2093B, 2093C, 2093D AND 2093E, RELATING TO SOLICITORS' LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 125 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto five new sections to follow immediately after Section 2093 under a sub-title "Solicitors" to be designated as Sections 2093A, 2093B, 2093C, 2093D and 2093E, to read as follows:

"SOLICITORS.

SECTION 2093A. Definition. A solicitor within the meaning of this Act is defined to be any person who goes from house to house or from place to place in this Territory selling or taking orders or offering to sell or take orders for goods, wares or merchandise or any article for future delivery or for services to be performed in the future, or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery; provided, however, that this Act shall apply only to solicitors who demand,

accept or receive payment or deposit of money in advance of final delivery.

SECTION 2093B. Application. Any person desiring a license to engage as a solicitor within this Territory shall make application therefor to the treasurer of the county or city and county in which he purposes to do business as such on forms to be provided stating the name and address of the applicant, the name and address of the person, firm or corporation which he represents and the kind of goods offered for sale or the kind of services to be performed. Such application shall be accompanied by a bond in the penal sum of five hundred dollars (\$500.00), with sufficient sureties qualified in accordance with the terms of Section 161 of the Revised Laws of Hawaii 1925, conditioned upon the making of final delivery of the goods ordered or completion of the services to be performed in accordance with the terms of such order, or failing therein, that the advance payment on such order be refunded. Any person aggrieved by the action of any such solicitor shall have a right of action on the bond for the recovery of money or damage or both. Such bond shall remain in full force and effect for a period of ninety days after the expiration of any such license.

SECTION 2093C. Orders. All orders taken by licensed solicitors shall be in writing in duplicate stating the terms thereof and the amount paid in advance and one copy shall be delivered to the purchaser at the time of the taking of the order.

SECTION 2093D. Fee. The fee for a license to carry on business as a solicitor shall be as follows:

Within the City and County of Honolulu:

For a monthly license.....	\$ 10.00
For a quarterly license.....	25.00
For an annual license.....	100.00

Within the Counties of Hawaii, Maui and Kauai:

For a monthly license.....	\$ 5.00
For a quarterly license.....	12.50
For an annual license.....	50.00

SECTION 2093E. Penalty. Any person who shall, within the Territory, transact or conduct business as a solicitor within the meaning of this Act, until he shall have complied with the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hun-

dred dollars (\$500.00) or by imprisonment of not more than three months."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 71

[S. B. No. 81]

AN ACT TO AMEND CHAPTER 198 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 3527A RELATING TO LICENSES FOR ITINERANT VENDORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 198 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto to be known as Section 3527A, the same to read as follows:

"Section 3527A. Any person who shall, within the Territory, transact or conduct business as an itinerant vendor within the meaning of this chapter, until he shall have complied with the provisions of Section 3522, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for not more than three (3) months."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 72

[S. B. No. 201]

AN ACT TO PROHIBIT THE TAKING OF LOBSTER DURING THE MONTHS OF JUNE, JULY AND AUGUST.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be unlawful for any person, firm or corporation to take, kill, sell or offer for sale, or have in possession any of the native lobsters, known as ula, or ula-papapa, taken from the waters within the jurisdiction of the Territory of Hawaii during the months of June, July and August.

SECTION 2. The possession of any native lobster known as ula or ula-papapa, by any person, firm or corporation during the months of June, July and August shall be prima facie evidence that such person, firm or corporation is guilty of a violation of Section 1 of this Act.

SECTION 3. Any person, firm or corporation violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) or more than two hundred dollars (\$200.00), or be imprisoned not less than five days or more than fifty days, or be both fined and imprisoned. One-half of the fine collected shall be paid to the person assisting in the arrest and conviction of the violator.

SECTION 4. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 73

[S. B. No. 202]

AN ACT TO AMEND CHAPTER 54 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING FIVE NEW SECTIONS THERETO, RELATING TO COMMERCIAL FISHING BOATS, AND TO BE KNOWN AS SECTIONS 729A, 729B, 729C, 729D, 729E AND REPEALING SECTION 2037 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 54 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto five new sections to be known as Sections 729A, 729B, 729C, 729D and 729E, respectively.

"Section 729A. Every person, firm or corporation, owning or operating any boat, except an outrigger canoe, engaged in the business of fishing for profit in the public waters of this Territory, or who catches fish without the Territory and brings them into the Territory, shall, on or before July 1st of each calendar year, file with the board of fish and game commissioners of the Territory of Hawaii hereinafter referred to as the commission, on a form provided therefor by the commission, a statement giving the dimensions of the fishing boat or boats operated by the said person, firm or corporation, together with the motive power, number of the crew, equipment and description of fishing gear.

"Section 729B. It shall be unlawful to use any boat for commercial fishing without first having secured a permit for same from the commission, or its duly appointed agents, and the permit for each sail, or row boat shall be one dollar (\$1.00), and for power-driven boats it shall be twenty-five cents (25c) for each foot in length, measured over all, from bow to stern.

"Section 729C. The owner of every fishing boat having a permit shall continuously exhibit in a conspicuous place on both sides of each boat, a number supplied at cost by the commission. All permits shall expire on June 30th, of each year.

"Section 729D. Any one violating any of the provisions of this Act shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), or by imprisonment not less than ten days nor more than sixty days, or by both such fine and imprisonment, and one-half of all moneys collected from such fines shall be turned over to the person or persons, assisting in the arrest and conviction of the violator.

"Section 729E. All moneys collected by the commission from the issuance of permits herein provided for shall be turned over to the treasurer of the county or city and county wherein the same are collected."

SECTION 2. Section 2037, Revised Laws of Hawaii 1925, and all other Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect July 1, 1925.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 74

[S. B. No. 249]

AN ACT DIRECTING THE TAX ASSESSOR OF THE THIRD TAXATION DIVISION TO INCREASE THE TAX RATE OF THAT DIVISION SO AS TO PRODUCE THE SUM OF EIGHT THOUSAND EIGHT HUNDRED SIXTY-SIX AND NO/100 DOLLARS (\$8,866.00) FOR THE PURPOSE OF PROVIDING FOR THE TRANSPORTATION OF PUBLIC SCHOOL CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the third taxation division shall in the year 1925 increase the tax rate of that division for the purpose enumerated in Subdivision 5 of Section 1315 of the Revised Laws of Hawaii 1925, to produce the sum of eight thousand eight hundred sixty-six and no/100 dollars (\$8,866.00) which amount shall be placed to the credit of the item known as transportation of public school children.

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 75

[S. B. No. 19]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTIONS 2028, 2029, 2030, 2031 AND 2032, AND BY ADDING THREE NEW SECTIONS TO BE KNOWN AS SECTIONS 2027A, 2031A AND 2031B RELATING TO HUNTING AND FISHING LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new section is hereby added to the Revised Laws of Hawaii 1925, to immediately precede Section 2028 of the said Revised Laws and to be numbered 2027A and to read as follows:

154 "Section 2027A. Every person in the Territory of Hawaii who hunts, pursues or kills any wild birds or animals or who takes, catches or fishes for any introduced fresh water game fish without first procuring a hunting or fishing license as provided by this Act, is guilty of a misdemeanor."

SECTION 2. Section 2028 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2028. Licenses granting the privilege to hunt game, or to catch any introduced fresh water game fish shall be issued and delivered by the treasurer of any of the counties, or by the fish and game commission, or its appointed agents, upon application and the payment of the license fee, and said application must state name and address of the applicant with his or her age, nationality, height, weight and color of hair and eyes."

SECTION 3. Section 2029 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2029. All licenses shall expire on June 30th of each year, excepting that where any one is convicted of violating any of the fish and game laws his or her license shall immediately be forfeited, and anyone convicted for a second offense shall not again be granted a license to fish or hunt."

SECTION 4. Section 2030 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2030. License fees shall be as follows: For a bona fide citizen and resident of the Territory, five dollars (\$5.00) for a county hunting license and two and 50/100 dollars (\$2.50) for a fishing license; for a citizen non-resident of the Territory, or to an alien who has declared his intention of becoming a citizen according to the law provided for the purpose, ten dollars (\$10.00) for a county hunting license and two and 50/100 dollars (\$2.50) for a fishing license; and for an alien, twenty-five dollars (\$25.00)

for a county hunting license and five dollars (\$5.00) for a county fishing license; excepting that no alien shall be issued a hunting license without his first having procured a license to own or use a gun."

SECTION 5. Section 2031 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2031. All fees collected under this Act shall be paid into the treasury of the county or city and county wherein collected by the treasurer thereof, such fees to be used for the preservation, propagation and importation of game birds and fish within such county or city and county. One-half of all moneys collected from fines imposed under the provisions of this Act shall be turned over to the person or persons assisting in the arrest and conviction of the violator."

See 2174/33

SECTION 6. Two new sections are hereby added to the Revised Laws of Hawaii 1925, to follow Section 2031 and to be numbered Sections 2031A and 2031B to read as follows:

"Section 2031A. Duplicate licenses shall not be issued to any person for the same fiscal year, except upon an affidavit by the applicant that the one issued has been lost or destroyed, and no license issued as herein provided shall be transferred to or used by any other person than the one to whom it was issued.

"Section 2031B. Every person having a license as provided herein must carry same with him when hunting or fishing, and must show same upon the demand of any officer authorized to enforce the law of the Territory, and anyone who refuses to show his license or to turn out the contents of his game bag or the pockets of his coat, or to open any carrier or container where game or fish might be concealed, upon demand of said officer, shall be guilty of a misdemeanor."

SECTION 7. Section 2032 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2032. Every person violating any of the provisions of this Act, shall upon conviction thereof be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment."

SECTION 8. This Act shall take effect from and after the 1st day of July, 1925.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 76

[S. B. No. 29]

AN ACT TO PROHIBIT THE USE OF GUNS IN THE TAKING OR KILLING OF FISH AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It is hereby declared unlawful for any person to take, kill, or pursue any fish or turtle in the waters of the Territory of Hawaii by means of any firearms; provided, however, that it shall not be unlawful to use firearms in the killing of sharks.

SECTION 2. Whosoever violates the provisions of Section 1 of this Act shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or by imprisonment not less than five days nor more than twenty days, or by both fine and imprisonment, and one-half of all fines collected shall be paid to the person or persons assisting in the arrest and conviction of the violator.

SECTION 3. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,

Governor of the Territory of Hawaii.

ACT 77

[S. B. No. 46]

AN ACT TO REGULATE THE PRACTICE OF NATUREOPATHY (OR NATUROPATHY) AND TO PROVIDE PENALTIES FOR ITS VIOLATION, BY ADDING A NEW CHAPTER TO THE REVISED LAWS OF HAWAII 1925, TO BE KNOWN AS CHAPTER 82A TO BE ENTITLED "NATUREOPATHY."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new Chapter in the Revised Laws of Hawaii 1925, is hereby created to be known as Chapter 82A, to be entitled "Natureopathy," to read as follows:

"Section 1052A. For the purpose of this Act the practice of Natureopathy (or Naturopathy) shall be held to mean the scien-

tific application of air, light, sunshine, water, earth, cold and heat, electricity, hygiene and dietetics, bio-chemic system, psychotherapy, mechanical movements, manipulations and appliances, applied specifically to eliminate toxic conditions from the human body and to promote the quality, quantity and flow of the vital fluids without the use of drugs, aiding nature with natural and congenial agents or means either tangible or intangible to restore and maintain normal functioning; provided, however, that the practice of Natureopathy (or Naturopathy) shall not include the Hawaiian art of lomilomi or massage.

"Section 1052B. Any person desiring to practice Natureopathy (or Naturopathy) within the Territory of Hawaii, shall make a written application to the president of the board of health and shall be required to pass a satisfactory examination in the following fundamental subjects: Anatomy, physiology, pathology, hygiene and sanitation, until there is a board of natureopathic examiners appointed from the natureopathic practitioners of the Territory of Hawaii, for said Territory. All examinations shall be in writing.

"Section 1052C. Each applicant shall be a graduate of a high school, or shall have completed a course of studies equivalent thereof, and of a school, institute or college of Natureopathy (or Naturopathy) which requires a course of resident instruction of at least four years of nine months each of actual attendance. Applications shall be in writing upon blanks furnished by the board of health, setting forth such facts concerning the applicant such as the board of health shall require, and shall be signed by the applicant and sworn to before an officer authorized to administer oaths. There shall be paid to the board of health by such applicant a fee of twenty-five dollars (\$25.00), ten dollars (\$10.00) of which shall accompany the application and shall not be refunded if such applicant shall fail to pass the examination, and the balance shall be paid upon issuance of a license.

"Section 1052D. Licenses to practice Natureopathy (or Naturopathy) shall be issued by the board of health to those who qualify according to the provisions of this Act, and in such form as the board shall determine. Natureopathic (or Naturopathic) practitioners licensed under this Act shall observe and be subject to all territorial and municipal regulations relative to reporting births and deaths and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons and practitioners or other schools of medicine.

"Section 1052E. Any person except a licensed Natureopath (or Naturopath) who shall practice or attempt to practice Natureopathy (or Naturopathy), or any person who shall buy, sell or fraudulently obtain any diploma or license to practice Natureopathy whether recorded or not, or any person who shall use the title

'Natureopath', 'Naturopath', or 'N. D.' or any word or title to induce the belief that he is engaged in the practice of Natureopathy (or Naturopathy) without complying with the provisions of this Act, or any person who shall violate any of the provisions of this Act, shall, upon conviction thereof, be fined not more than two hundred dollars (\$200.00), or to be imprisoned for a period not more than one year or both.

"Section 1052F. Any person who has been actively engaged in the practice of Natureopathy (or Naturopathy) in the Territory of Hawaii for at least three years prior to the passage of this Act, having graduated from a school, institute or college teaching Natureopathy (or Naturopathy) requiring personal attendance, and who shall present to the board of health, proof to that effect within two months after the last mentioned date shall receive a license to practice Natureopathy (or Naturopathy) within the Territory of Hawaii, upon the payment of a fee of twenty-five dollars (\$25.00)."

SECTION 2. All laws and Acts or portions thereof in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 78

[S. B. No. 172]

AN ACT CREATING A TERRITORIAL HIGHWAY DEPARTMENT AND
MAKING OTHER PROVISIONS FOR THE MAINTENANCE OF CER-
TAIN ROADS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For the purpose of complying with the Federal Road Aid Act, and any subsequent amendments as passed by the Congress of the United States, the department of public works is hereby designated as the territorial highway department, and the superintendent of public works as the territorial highway engineer.

SECTION 2. The duties of the territorial highway engineer shall be to lay out a complete highway system or systems, upon which federal road aid funds are to be expended together with territorial

or county funds; or both; to prepare plans and specifications, to award contracts and supervise the construction of such roads.

SECTION 3. The territorial highway engineer shall, as soon as practicable after the first day of December, 1925, and each year thereafter, submit to the various boards of supervisors of the counties and city and county an estimate of the amount required of such counties or city and county for the twelve-month period commencing on the first day of January of the following calendar year for the maintenance of the roads upon which federal road aid funds have been expended, which said estimates shall be included by such boards of supervisors under subdivision (1) of Section 1315 of the Revised Laws of Hawaii 1925.

SECTION 4. When collected, the various amounts specified in Section 3 shall be placed by the treasurer of the Territory of Hawaii into special territorial highway revolving funds, to be expended for road maintenance in the respective counties, or city and county from which the same was collected, upon warrants based upon vouchers approved by the territorial highway engineer.

SECTION 5. The maintenance work on said roads shall be performed under the direction of the territorial highway engineer, either by day labor or by contract, or the territorial highway engineer may have the same performed by the county road department, by day labor or contract, on authority from the boards of supervisors of the various counties or city and county. *Am 97/33*

SECTION 6. The treasurer of the Territory of Hawaii shall deduct from the taxes collected from each county, or city and county, the amounts as provided in Section 3 each year, and the sums so deducted shall be deposited in the various revolving funds. *L/31, P. 82*

SECTION 7. In order to carry out the provisions of this Act, the sum of ten thousand dollars (\$10,000.00) is hereby appropriated by way of advancement from the general revenues of the territory, which shall be credited by the treasurer in equal amounts to each of the four special territorial highway revolving funds for the maintenance of roads upon which federal road-aid money has been or will be expended. As soon as these revolving funds shall be in receipt of sufficient moneys by virtue of Sections 3 and 6 hereof, the treasurer shall immediately reimburse the general fund from such revolving funds for the advancement in this section provided for. *2/21, P. 87*

SECTION 8. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 79

[S. B. No. 187]

AN ACT TO AMEND ACT 176 OF THE SESSION LAWS OF 1923, TRANSFERRING SPECIAL ITEMS OF THE SCHOOL BUDGET FOR THE BIENNIAL PERIOD ENDING DECEMBER 31, 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Certain items in Section 1 of Act 176 of the Session Laws of 1923 are hereby amended as follows:

"Delete the figures '\$35,000.00' in item 'Supplies for Elementary Schools' and insert in lieu thereof the figures '\$40,000.00.'"

"Delete the figures '\$15,000.00' in item 'Supplies for High Schools' and insert in lieu thereof the figures '\$20,000.00.'"

"Delete the figures '\$12,000.00' in the item 'Books, Pamphlets and Incidentals' and insert in lieu thereof the figures '\$17,000.00.'"

"Delete the figures '\$16,780.00' in the item 'Bureau of Mouth Hygiene, Supplies, Equipment, Maintenance, and Travel' and insert in lieu thereof the figures '\$11,780.00.'"

"Delete the figures '\$41,880.00' in the item 'Salaries, School for Deaf and Blind' and insert in lieu thereof the figures '\$36,880.00.'"

"Delete the figures '\$30,700.00' in the item 'Construction, Furnishings, Equipment, Maintenance, etc., of School for Deaf and Blind' and insert in lieu thereof the figures '\$25,700.00.'"

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,

Governor of the Territory of Hawaii.

ACT 80

[H. B. No. 254]

AN ACT AUTHORIZING AND DIRECTING THE COUNTY OF HAWAII TO PAY THE CLAIM OF HILO EMPORIUM, LIMITED, FOR PROPERTY TAXES ILLEGALLY COLLECTED FROM IT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Hawaii is hereby authorized and directed to pay the sum of five hundred eighty-seven and 82/100 dollars (\$587.82) to the Hilo Emporium, Limited, for property taxes illegally collected from it for the year 1922.

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 81

[H. B. No. 260]

AN ACT TO AMEND SECTIONS 369 AND 372 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INDUSTRIAL SCHOOLS, AND TO ADD A NEW SECTION, TO BE NUMBERED 372-A, PERTAINING TO INDUSTRIAL SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 369 of the Revised Laws of Hawaii 1925, relating to industrial schools, is hereby amended to read as follows:

"Section 369. Labor by pupils of school. The board shall have power to allow the pupils of the schools within their jurisdiction to engage in industrial, agricultural and mechanical pursuits under the direction and orders of individuals, partnerships or corporations doing business in the vicinity of such schools, or any of them, upon such terms as to remuneration for such employment as the board shall deem proper; provided, however, that such employment shall in no case of a pupil under fifteen years of age be allowed to interfere with the academic studies of the pupil so employed; and provided further, that such employment of a pupil

under fifteen years of age shall always be under the direct supervision of the superintendent or teacher of the school to which the pupil so employed shall belong."

SECTION 2. Section 372 of the Revised Laws of Hawaii 1925, relating to industrial schools, is hereby amended to read as follows:

"Section 372. Put out to labor, when. Whenever it can be found that apprenticeships cannot be obtained, or suitable employment be provided, at any industrial and reformatory school, for children over fifteen years of age, who shall have been committed or surrendered thereto for their minority, or sentenced for a shorter time, for any crime or misdemeanor, the board of industrial schools, or its agents, if authorized by the board, shall have authority to put them out to labor to families, or other suitable persons, partnerships, or corporations, upon such terms and conditions as in the opinion of the board shall be deemed proper. Such action shall be in the nature of a parole, and shall be revocable at any time at the discretion of the board. It shall be the duty of the board to investigate and determine the advisability of such action in each case upon the written application of any parent or friend of any such child over fifteen years of age, and it may act without such written application in its own discretion. In each case wherein the board puts a child out to labor under the provisions of this section, the board shall arrange to receive at least one-half of such child's earnings, which shall be deposited by the board in a bank in trust for such child during his or her minority."

SECTION 3. There is hereby added to the Revised Laws of Hawaii 1925, a new section, to follow Section 372 thereof, and to be numbered 372-A, relating to industrial schools, and to read as follows:

"Section 372-A. Parole to parents. Whenever the parents of any child who shall have been committed or surrendered to any industrial and reformatory school, and who shall have then served not less than one year in such school, shall make application in writing to the board, it shall be lawful for the board, in its discretion, to parole such child to its parents, such parole to be granted and continued in force only when it shall be apparent to the board that such action is for the best interests of such child and the community at large."

SECTION 4. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 82

[H. B. No. 279]

AN ACT TO AMEND SECTION 1248 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO REGISTRAR OF PUBLIC ACCOUNTS, DEPUTY, APPOINTMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1248 of the Revised Laws of Hawaii 1925, relating to registrar of public accounts, deputy, appointment, is hereby amended to read as follows:

"Section 1248. Registrar of public accounts, deputy, appointment. The treasurer shall appoint a registrar of public accounts and a deputy registrar of public accounts, who shall be removable at the pleasure of the treasurer. Before the said officers shall become qualified to enter upon their respective duties, each of them shall file a bond with good and sufficient sureties, duly approved by the treasurer, conditioned that in all respects he will faithfully discharge the duties of his office.

"In case of the absence of the treasurer from the Territory he may authorize and empower in writing the registrar of public accounts to exercise such of the powers and discharge such of the duties of his office as the treasurer may deem necessary and expedient.

"During the absence from the City and County of Honolulu or the disability of the treasurer, he may authorize and empower in writing the registrar of public accounts to sign for the treasurer checks drawn against territorial deposits in the banks."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 83

[H. B. No. 335]

AN ACT TO AMEND SECTION 2045 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO GARAGE LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2045 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2045. Definition. The word 'garage' as used in Section 2044 is designated to mean 'a repository, storage room or repair shop for automobiles' and shall include a building, store, shop or place in connection therewith where gasoline and oil for use of automobiles are stored and sold or kept for sale at retail."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 84

[H. B. No. 347]

AN ACT TO REPEAL ACT 221 OF THE SESSION LAWS OF 1923.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 221 of the Session Laws of Hawaii 1923, is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 85

[H. B. No. 348]

AN ACT TO REPEAL ACT 213 OF THE SESSION LAWS OF 1923.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 213 of the Session Laws of Hawaii 1923, is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 86

[H. B. No. 490]

AN ACT AMENDING SECTION 1265 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO BANK EXAMINERS AND DEPUTY BANK EXAMINERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1265 of the Revised Laws of Hawaii 1925, relating to bank examiners and deputy bank examiners, is hereby amended to read as follows:

"Section 1265. Ex-officio bank examiners; deputy bank examiners. The treasurer of the Territory and the registrar of public accounts shall each be ex-officio a bank examiner for the Territory. The treasurer, with the approval of the governor, shall appoint a fit and competent person as deputy bank examiner to perform the duties of bank examiner, who may be removed by the treasurer with the approval of the governor. The treasurer may appoint one or more assistant bank examiners who may make examinations and audits, and, with the approval of the bank examiner or his deputy, sign reports of examination or audit."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 87

[S. B. No. 56]

AN ACT TO AMEND SECTION 1328 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EXEMPTION OF TOBACCO FROM PROPERTY TAX.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1328 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1328. Exemption of tobacco, etc. All growing tobacco, and all tobacco stored in the taxation district where grown, and all machinery and buildings used solely in the cultivation, fermentation and/or handling of tobacco in such district shall be exempt from property tax for the years 1926 and 1927."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 88

[H. B. No. 359]

27, P. 352 AN ACT CREATING A COMMISSION TO INVESTIGATE THE WAIAKEA HOMESTEAD SITUATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The governor is hereby authorized to and shall appoint a commission, in the manner provided by Section 80 of the Hawaiian Organic Act, to be known as the Waiakea Homestead Commission, and consisting of three members, to make a complete investigation of the Waiakea Homestead situation in its entirety.

SECTION 2. Only persons who have had no previous connection directly or indirectly with the Waiakea Mill Company, its agents or the Waiakea Homestead situation shall be eligible for appointment to said commission. The commission shall have power to

subpoena witnesses, administer oaths, take testimony, enforce the production of all books and papers necessary or proper to be examined in connection with its work, and to employ auditors, legal advisers, and all necessary clerical assistance; provided, however, that it shall employ none, in any capacity whatsoever, who shall have had any prior connection with the Waiakea Mill Company or its agents or the Waiakea Homestead situation.

The commission shall designate one of its members to act as chairman, and may meet and act at any time or any place within the Territory upon call by the chairman. In case the chairman calls a meeting but cannot attend he shall designate an acting chairman from the other two members to act in his absence, and the chairman or acting chairman shall administer oaths, sign subpoenas and preside at the meetings. Witnesses shall be entitled to receive the same fees and mileage as witnesses in civil cases in the territorial courts.

SECTION 3. Any person who, having been summoned as a witness by the commission to give testimony or to produce any books or papers relating to any matter under inquiry before the commission, wilfully makes default, or who, having appeared, refuses to answer any question pertinent to the matter under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1000.00), or by imprisonment for not less than one (1) month nor more than twelve (12) months, or by both such fine and imprisonment. L. 20, P. 3

SECTION 4. No witness before the commission shall be privileged to refuse to testify to any fact or to produce any paper respecting which he shall be examined by the commission upon the ground that his testimony to such fact or his production of such paper might criminate himself, but no criminal prosecution can afterwards be had against him for any offense concerning which he has testified. An official paper or record produced by such witness is not within such privilege. L. 20, P. 3

SECTION 5. Any witness before the commission who wilfully, knowingly and falsely states under oath, verbally or in writing, any material fact, shall be deemed guilty of perjury within the meaning of Section 4305 of the Revised Laws of Hawaii 1925, and shall be punished by imprisonment at hard labor not more than twenty (20) years. L. 20, P. 3

SECTION 6. Whenever a witness summoned before the commission fails or refuses to testify or to produce any books or papers relating to any matter under inquiry before the commission, the L. 20, P. 3

commission shall immediately bring the matter before the circuit court of the circuit where the commission may then be sitting for its action.

SECTION 7. Upon the completion of its investigation the commission shall institute and carry through to completion any legal proceeding which it deems advisable and which it may properly institute, employing such legal assistance as is necessary. If any such proceeding should properly be in the name of the Territory, the commission may act in the name of and for the Territory. Otherwise, or at the termination of such litigation, the commission shall report in writing to the governor the results thereof, together with such recommendations as it deems advisable.

SECTION 8. The members of the commission shall be entitled to all expenses properly incurred by themselves in carrying out the duties imposed upon them under this Act and for the faithful performance of their duties each commissioner shall receive a fee of one thousand dollars (\$1000.00) to be paid after the final report of the commission has been filed.

SECTION 9. The sum of twenty-eight thousand dollars (\$28,000.00), or as much thereof as may be necessary, is hereby appropriated from the general fund, to be expended upon vouchers approved by the chairman of the Waiakea Homestead Commission for the payment of all expenses authorized by this Act.

SECTION 10. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 89

[H. B. No. 361]

AN ACT MAKING AN APPROPRIATION FOR THE ACQUISITION OF
LAND AT WAIMEA, KAUAI, FOR A PUBLIC PARK.

17 *Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The commissioner of public lands is hereby authorized and directed to acquire by purchase or otherwise, a portion of that tract of land situate between the school grounds and the belt road at Waimea, District of Waimea, Island and County of Kauai, sufficient for a public park.

SECTION 2. There is hereby appropriated the sum of fifteen thousand dollars (\$15,000.00) out of the special fund designated as Special Land Sales, Act 129, 1911, Kauai, for the purpose of carrying out the intent of this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 90

[H. B. No. 362]

AN ACT REPEALING SECTION 589 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO APPROVAL BY THE BOARD OF AGRICULTURE AND FORESTRY ON CERTAIN DISPOSITIONS OF PUBLIC LANDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 589 of the Revised Laws of Hawaii 1925, requiring approval of the Board of Agriculture and Forestry on certain dispositions of public lands, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 91

[S. B. No. 69]

AN ACT APPROPRIATING MONEY FOR, AND AUTHORIZING AND DIRECTING THE TREASURER OF THE TERRITORY OF HAWAII TO PAY THE CLAIM OF JAMES SAKAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, the sum of one hundred thirty-two and 44/100 dollars (\$132.44) for the purpose of paying the claim of James Sakai on account of goods supplied to the military department of the Territory of Hawaii.

SECTION 2. The sum herein appropriated shall become available and the treasurer is hereby authorized and directed to pay the same to the said James Sakai upon a warrant issued by the auditor as soon as the said James Sakai shall file with the treasurer an affidavit showing an itemized statement of all the goods delivered for which no payment therefor had been made.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 92

[S. B. No. 90]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS AND AUDITOR OF THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF ANNIE K. HARRIS, FORMERLY ANNIE K. WOOLSEY, FOR INTEREST AND PENALTIES CHARGED UPON AN ASSESSMENT FOR STREET IMPROVEMENTS IN MANOA IMPROVEMENT DISTRICT NUMBER ONE IN THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the board of supervisors of the City and County of Honolulu is hereby authorized and directed to make an appropriation in the sum of one thousand eight hundred twelve and 66/100 dollars (\$1,812.66) from the general fund of the City and County of Honolulu, and is authorized and directed to pay the said sum of one thousand eight hundred twelve and 66/100 dollars (\$1,812.66) to the said Annie K. Harris, formerly Annie K. Woolsey.

Upon the making of such appropriation, the auditor of the City and County of Honolulu is authorized and directed to draw his warrant on the treasurer of the City and County of Honolulu for the sum of one thousand eight hundred twelve and 66/100 dollars (\$1,812.66) in favor of the said Annie K. Harris, formerly Annie K. Woolsey, and shall deliver said warrant to the said Annie K. Harris, formerly Annie K. Woolsey upon her presenting to him an official receipt from the treasurer of the City and County of Honolulu showing said interest and penalties paid in full.

SECTION 2. Upon said payment the said Annie K. Harris, formerly Annie K. Woolsey, shall be required to release the City and County of Honolulu from all claims in respect of said assessment.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 93

[S. B. No. 232]

AN ACT DIRECTING THE TAX ASSESSOR OF THE FOURTH TAXATION DIVISION TO INCREASE THE TAX RATE OF THAT DIVISION SO AS TO PRODUCE THE SUM OF THIRTY-SEVEN THOUSAND NINE HUNDRED EIGHT AND 46/100 DOLLARS (\$37,908.46) WITH WHICH TO REIMBURSE CERTAIN FUNDS OF THE COUNTY OF KAUAI FOR ADVANCES MADE BY SAID COUNTY TOWARDS THE CONSTRUCTION AND REPAIRS TO SCHOOL BUILDINGS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the fourth taxation division shall, in the year 1925, increase the tax rate of that division for the purpose enumerated in subdivision 5 of Section 1315 of the Revised Laws of Hawaii 1925, to produce the sum of thirty-seven thousand nine hundred eight and 46/100 dollars (\$37,908.46) which amount has been advanced by the County of Kauai for school purposes. Said sum shall be paid to the County of Kauai to be credited as follows:

Permanent Improvement Fund	\$24,665.25
General Fund	13,243.21

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 94

[H. B. No. 57]

AN ACT AMENDING SECTION 333 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE USE OF SCHOOL TEXT BOOKS, PROVIDING FOR THEIR FREE DISTRIBUTION TO NEEDY PUPILS, AND APPROPRIATING \$5,000.00 THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

²⁴
~~80~~ SECTION 1. Section 333 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 333. All pupils in the public schools must be supplied by their parents or guardians, or other persons having the custody or care of such pupils, with the text books required for use by the department. And in case pupils shall not be so supplied, the department may furnish such books, and require the parents or guardians to make payment therefor. If such payments shall not be promptly made, it shall notify the assessor of the district in which the school is located, who shall enter the amount due as a portion of the tax to be collected of such parents or guardians, and the payment of such amount, together with interest and costs, shall be enforced as in the case of delinquent taxes.

Provided that in the case of needy pupils registered in grades one to six inclusive, the books may be furnished free by the department. Written application therefor shall be made by the aforementioned parent or guardian of said child on such form and in such manner as the department may provide;

Provided further that in such cases the use only of such books shall be authorized and when the pupils shall have finished the use of the same, the books shall be returned to the department."

SECTION 2. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of carrying out the provisions of this Act.

SECTION 3. This Act shall take effect on and after September 1, 1925.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 95

[H. B. No. 103]

AN ACT TO COMPENSATE AGNES STANGE, SISTAN P. CASTRO AND ELIZABETH FERREIRA, TEACHERS IN THE PUBLIC SCHOOLS, FOR SALARIES WITHHELD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized to pay to the persons hereinafter named, upon war-

rants issued by the auditor of the Territory of Hawaii, the amounts respectively set opposite their names, it being the intention hereby to compensate them in full for services rendered, and such amounts as are hereby appropriated shall be paid out of any moneys in the treasury received from the general revenues of the Territory of Hawaii, not otherwise appropriated:

Agnes Stange	\$659.50	
Sistan P. Castro	330.00	
Elizabeth Ferreira	149.05	\$1,138.55

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 96

[H. B. No. 336]

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO MAKE APPROPRIATIONS FOR THE SUPPORT AND MAINTENANCE OF CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Board of Supervisors of the County of Maui, Territory of Hawaii, be and it is hereby authorized and especially empowered to make such appropriations, and in such amounts, from time to time, as may be by said board of supervisors deemed advisable for the support and maintenance of orphans, or children whose parents are unable to care for them whether indigent or otherwise, wherever the children may be in the County of Maui.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 97

[H. B. No. 63]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS AND AUDITOR OF THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIMS OF LEWIS T. ABSHIRE, LOUIS S. CAIN, M. J. MONIZ, M. M. PACHECO AND ERNEST SILVA FOR BACK SALARIES AS EMPLOYEES OF THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and directed to make appropriations from the general fund of the said City and County of Honolulu, and is hereby authorized and directed to pay the amounts set opposite the names of the respective employees for back salaries, to-wit:

Lewis T. Abshire	\$3,600.00
Louis S. Cain	5,600.00
M. J. Moniz	36.00
M. M. Pacheco	39.04
Ernest Silva	49.92

Upon the making of such appropriations, the auditor of the City and County of Honolulu is hereby authorized and directed to draw warrants upon the treasurer of the City and County of Honolulu for the amounts herein set forth in favor of the claimants.

SECTION 2. Upon said payment, the said Lewis T. Abshire, Louis S. Cain, M. J. Moniz, M. M. Pacheco and Ernest Silva shall be required to release the City and County of Honolulu from all claims in respect of their employment.

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
 Governor of the Territory of Hawaii.

ACT 98

[H. B. No. 433]

AN ACT TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LEPER HOSPITAL AND SETTLEMENTS BY AMENDING SECTION 1203 THEREIN.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1203 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1203. Making or taking pictures at leper settlement, etc., without permit, prohibited. No person shall make or take any picture of any kind whatsoever at the leper settlement at Kalaupapa, County of Kalawao, or at the Kalihi Hospital, Kapiolani Girls' Home or the Kalihi Boys' Home, City and County of Honolulu, unless he shall first have received a written permit—revocable at any time—from the board of health so to do, and then only for scientific purposes; provided, however, no picture of any kind whatsoever taken at the place or places hereinbefore mentioned prior to the passage of this Act, shall be exhibited to any person whomsoever, without the written approval, revocable at any time, of the board of health of the Territory of Hawaii, which approval shall be given out for exhibitions for scientific purposes, without fee or compensation, and upon written application stating the specific time, place and nature of the occasion of such desired exhibition.

"It is provided, however, that nothing herein contained shall prevent the making or taking of photographs of persons confined in one or more of the institutions named in this section at the request of any person confined therein; but no such photograph shall be exhibited or displayed at any place other than within said institutions.

"Any person violating any of the provisions of the preceding paragraphs, or assisting or countenancing a violation thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 99

[H. B. No. 54]

AN ACT DEFINING AND REGULATING THE PRACTICE OF CHIROPRACTIC, CREATING A TERRITORIAL BOARD OF CHIROPRACTIC EXAMINERS AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A board is hereby created to be known as the "Territorial Board of Chiropractic Examiners" hereinafter referred to as the board, which shall consist of three members, who shall be appointed by the governor, in the manner prescribed in Section 80 of the Organic Act. Each member of the board must have pursued a resident course in a regularly incorporated chiropractic school or college and must be a graduate thereof and hold a diploma therefrom.

Each member of the board first appointed hereunder shall have practiced chiropractic in the Territory of Hawaii for a period of one year next preceding the date upon which this Act takes effect, thereafter appointees shall be licentiates hereunder. No two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, provided sufficient schools be represented among the chiropractors practising in the Territory. And no person connected with any chiropractic school or college shall be eligible to appointment as a member of the board. Each member of the board, except the secretary, shall serve without pay; provided, however, that the actual and necessary traveling expenses of the members of the board incurred in connection with the performance of official duties shall be paid by the board of health, upon proper vouchers approved by the board.

SECTION 2. Of the members of the board first appointed, one shall be appointed for a term of one year, one for two years and one for three years. Thereafter, each appointment shall be for a term of three years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified. The governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

SECTION 3. The board shall convene within ten days after the appointment of its members, and shall organize by the election of a president, vice-president and secretary, all to be chosen from the

members of the board. Thereafter elections of officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of a majority of said board to carry any motion or resolution, to adopt any rule, or to recommend the issuance of any license provided for in this Act. The secretary shall keep a record of the proceedings of the board, which shall at all times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and shall deposit all funds received into the treasury of the Territory as government realizations, and on the first day of December of each year he shall file with the governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

SECTION 4. The board shall have power

(a) To adopt a seal, which shall be affixed to all official acts of the board.

(b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, copies of such rules and regulations to be filed with the board of health of the Territory for public inspection.

(c) To examine applicants and to recommend the issuance of licenses and to order the revocation of licenses to practice chiropractic, as herein provided.

(d) To summon witnesses and to take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits.

(e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

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SECTION 5. It shall be unlawful for any person to practice chiropractic in this Territory without a license so to do. Any person wishing to practice chiropractic in this Territory shall make application to the board fifteen days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Each application must be accompanied by a license fee of twenty-five dollars (\$25.00) and a certificate showing good moral character of the applicant. Except in the cases herein otherwise prescribed, each applicant shall be a graduate of an incorporated chiropractic school or college which teaches a course of not less than two thousand sixty minute hours, of which four hundred hours shall have been spent in practical work in a chiropractic college clinic under recognized instructors. The course shall extend over a period of three school terms of at least eight months

each, and the applicant must give satisfactory proof of having attended not less than ninety per cent of said two thousand hours and have satisfactorily passed the following subjects: anatomy, physiology, bacteriology, hygiene, and sanitation, pathology, diagnosis or analysis, chiropractic orthopedy, obstetrics, symptomatology, chemistry and elementary toxicology, gynecolgoy, chiropractic analysis and the principles and practice of chiropractic, and shall present to the board at the time of making such application, a diploma from a high school, or proof, satisfactory to the board, of education equivalent in training power to a high school course. Chiropractors licensed under the provisions of this Act shall be allowed to provide themselves with such assistants as they may deem necessary.

SECTION 6. (a) The board shall meet as a board of examiners on the first Tuesday following the second Monday of April and October of each year, and at such other times and places as may be found necessary for the performance of their duties. The office of the board shall be in the City of Honolulu.

(b) Each applicant shall be designated by a number instead of the name, so that the identity will not be disclosed to the examiners until the papers are graded.

(c) All examinations shall be in writing, except in cases herein otherwise prescribed, and shall be practical in character, as taught in chiropractic schools or colleges, and designed to ascertain the fitness of the applicant to practice chiropractic. Said examinations shall be in the subjects enumerated in Section 5. A license shall be granted to any applicant who shall make a general average of seventy-five per cent, and not fall below sixty per cent in more than two subjects or branches of said examination. Any applicant failing to make the required grade, may be reexamined at the next regular examination on all of the subjects mentioned in Section 5, upon payment of a fee of twenty-five dollars (\$25.00). For each year of actual practice since graduation the applicant shall be given a credit of one per cent on the general average.

SECTION 7. One form of license shall be issued by the board of health, upon the recommendation of the board, which shall be designated "License to Practice Chiropractic" and which shall authorize the holder thereof to practice chiropractic as hereinafter defined and also to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the administration of drugs or medicine now or hereafter included in materia medica, or the performance of any surgical operation or the practice of osteopathy, dentistry or optometry.

SECTION 8. Chiropractic is defined to be the science of palpating and adjusting the articulations of the human spinal column by hand only. Provided that the practice of chiropractic as contemplated and set forth in this Act shall not be construed to exclude the use of any method or means, or any agent, either tangible or intangible, for the treatment of disease in the human subject; subject, however, to the restrictions contained in this Act; and provided further, that the practice of chiropractic as contemplated and set forth in this Act shall not be construed to include the practice of lomilomi or massage.

SECTION 9. Notwithstanding any provision contained in any other section of this Act the board, upon written application therefor, shall recommend the issuance of a license to any of the following named persons:

- (a) To each member of the board.
- (b) To any person already licensed to practice chiropractic in this Territory.

SECTION 10. (a) The board shall refuse to recommend, or may order the revocation of, a license to practice chiropractic in this Territory, or may cause a licensee's name to be removed from all records of licensed practitioners of chiropractic in this Territory, upon any of the following grounds, to-wit:

The employment of fraud, deception or untruthful statements in applying for a license or in passing an examination as provided in this Act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or the advertising, directly or indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose service he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs, or all advertising of his chiropractic business in which untruthful and improbable statements are made or being employed by, or being in the service of any person, company or association so advertising. Any person who is a licentiate, or who is an applicant for a license

to practice chiropractic, against whom any of the foregoing grounds for ordering a revocation or refusing to recommend a license is presented to the board with a view of having the board order such revocation or refuse to recommend the granting of a license, shall be furnished with a copy of the complaint, and shall have a hearing before the board in person or by an attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused. The secretary in all cases where a revocation is ordered shall enter on his register such fact, and shall certify such fact under the seal of the board to the board of health; and the president of the board of health must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the day of", giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by the president of the board of health shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(b) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, recommend the reissuance of said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars (\$25.00) upon the issuance of the recommendation for a new license.

SECTION 11. (a) The board of health shall keep a record of every license issued under this Act.

(b) The board of health of the Territory shall keep for public inspection, in a book provided for that purpose, a complete list and description of the licenses recorded. When any such license is issued, there shall be stamped upon the face thereof a memorandum of the date of issuance.

SECTION 12. Chiropractic licentiates shall observe and be subject to all territorial and municipal regulations relating to all matters pertaining to the public health, and shall sign death certificates and make reports as required by law to the proper authorities.

SECTION 13. All moneys received by the board under this Act shall be paid into the territorial treasury as government realizations.

SECTION 14. Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell, or fraudulently

obtain a license to practice chiropractic, whether recorded or not, or who shall use the title "chiropractor" or "D. C.", or any word or title to induce, or tending to induce belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this Act; or any licensee under this Act who uses the word "doctor" or the prefix "Dr." without the word "chiropractor" or "D. C." immediately following his name, or the use of the letters "M. D." or the words "doctor of medicine", or the term "surgeon", or the term "physician", or the word "osteopath", or the letters "D. O.", or any other letters, prefixes or suffixes, the use of which would indicate that he or she was practicing a profession for which he held no license from the Territory of Hawaii, or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00), or by imprisonment for not less than thirty days nor more than ninety days, or both.

SECTION 15. It shall be the duty of the attorney general of this Territory to prosecute all persons charged with the violation of any of the provisions of this Act. It shall be the duty of the secretary of the board, under the direction of the board, to aid attorneys in the enforcement of this Act.

SECTION 16. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

SECTION 17. All laws or parts of laws in conflict herewith, are hereby repealed.

SECTION 18. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 100

[S. B. No. 124]

AN ACT TO PROVIDE FURTHER FOR THE IMPROVEMENT OF THE TANTALUS ROAD IN THE CITY AND COUNTY OF HONOLULU AND FOR THE PURCHASE OF A ROAD-ROLLER FOR USE THEREUPON, BY AMENDING SECTION 1526 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii: L/31, P. 114

SECTION 1. Section 1526 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto the following:

"The said prisoners detailed as aforesaid for labor upon Tantalus Road shall be employed not merely for maintaining that road as it is now constructed but also for reconstructing the same wherever and whenever circumstances warrant, and for such purposes the sum of five thousand dollars (\$5,000.00) is hereby appropriated from the general fund of the treasury of the Territory of Hawaii for the purchase of a road-roller, such purchase to be made by the high sheriff, subject to the approval of the attorney general.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 101

[S. B. No. 207]

AN ACT TO ALLOW GREATER LATITUDE IN FIXING THE PROPERTY TAX RATES FOR THE COUNTIES OTHER THAN THE CITY AND COUNTY OF HONOLULU, BY AMENDING SECTION 1315 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That portion of Section 1315 of the Revised Laws of Hawaii 1925, appearing as the first paragraph to begin on Page 549 of Volume 1 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows: L/29, P. 111

"For the several counties the rate required to yield the sums specified under Subdivision 1 shall not exceed eight-tenths of one per centum and the rate required to yield the total of the sums specified under Subdivisions 1 and 2 shall not exceed one per centum. For the City and County of Honolulu the rate required to yield the total of the sums specified under Subdivisions 1 and 2 shall not exceed in the tax year 1919 1.151% and in the later years shall not increase more than .10% in any year over the last preceding year (for example, 1919 1.151%, 1920 1.251%), nor shall the rate exceed in any year 1.500% of the value of the property subject to be taxed under this section. Provided, that the sums raised for the purposes of Subdivisions 1 and 2 for the City and County of Honolulu shall be divided at least five-twelfths for Subdivision 2 and not over seven-twelfths for Subdivision 1. Provided, further, that if any of the several boards of supervisors shall not transmit to the assessor and the territorial treasurer by April 25 in each year its estimate of the amounts required under Subdivisions 1, 2 and 3, the assessor with the approval of the territorial treasurer, shall fix the respective amounts in dollars for Subdivisions 1 and 2 at a figure 10% less than that for the preceding year; adding thereto the amount necessary or required, in his judgment, for Subdivision 3."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 102

[S. B. No. 208]

AN ACT TO ACQUIRE CERTAIN LEASEHOLDS FOR THE KAHUKU
AND HONOUULIULI FOREST RESERVES, AND APPROPRIATING
TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The commissioner of public lands is authorized and directed to acquire all the leasehold estates of the Oahu Railway & Land Company in the lands of H. M. von Holt, A. N. Campbell and R. W. Shingle, Trustees of the Estate of James Campbell, deceased, falling within the limits of the Kahuku Forest Reserve and the Honouliuli Forest Reserve.

SECTION 2. The commissioner shall attempt to purchase said leasehold estates and if unsuccessful shall institute eminent domain proceedings in the name of the territory to procure the same; provided, however, that no agreement of purchase shall render the territory liable for rentals under said leases.

SECTION 3. Said lands shall, when said leasehold estates have been acquired, be administered as a part of the Kahuku and Hono-uliuli Forest Reserves, respectively, by the board of commissioners of agriculture and forestry.

SECTION 4. The sum of twenty-five thousand dollars (\$25,-000.00) is hereby appropriated out of the general funds in the treasury for the purchase of said leaseholds to be paid out upon vouchers signed by the commissioner of public lands.

SECTION 5. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 103

[S. B. No. 186]

AN ACT TO PROVIDE FOR ATHLETIC COACHING AT MCKINLEY HIGH SCHOOL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the Territory of Hawaii is hereby authorized, empowered and directed to transfer to a special account to be entitled "Coaching of Athletics, McKinley High School" the unexpended balance of Act 176, Session Laws of 1923, item "Coaching of Athletics, McKinley High School". Money from said special account shall be disbursed by warrants drawn by the auditor based on vouchers approved by the superintendent of public instruction.

SECTION 2. This Act shall take effect on January 1, 1926.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 104

[S. B. No. 222]

AN ACT APPROPRIATING ONE THOUSAND THREE HUNDRED EIGHTY-FIVE AND 28/100 DOLLARS (\$1,385.28) FOR THE RELIEF OF FRANK KAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one thousand three hundred eighty-five and 28/100 dollars (\$1,385.28) is hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment of an award by the Workmen's Compensation Board to Frank Kauai, for injuries received while in the employ of the Lahainaluna School.

SECTION 2. The sum herein appropriated shall be paid upon a warrant issued by the auditor of the Territory of Hawaii, upon the said Frank Kauai filing with the said auditor a receipt in full satisfaction of said claim, and the auditor shall thereupon notify the chairman of the Industrial Accident Board of Maui of the satisfaction of said claim.

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 105

[S. B. No. 226]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE THE SUM OF THREE HUNDRED EIGHTY-ONE AND 46/100 DOLLARS (\$381.46) FOR THE PAYMENT OF THE CLAIM OF LEWERS & COOKE, LIMITED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate the sum of three hundred eighty-one and 46/100 dollars (\$381.46) out of the general fund of said city and county for the payment of the following claim:

Lewers & Cooke, Limited, for services rendered
and materials supplied\$381.46

Upon the making of such appropriations, and the filing of [Sic]
proper vouchers, the auditor of the City and County of Honolulu
is hereby authorized and directed to draw warrants upon the
treasurer of the City and County of Honolulu for the amount in
favor of the claimant.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 106

[S. B. No. 234]

AN ACT TO AMEND SECTION 1325 OF THE REVISED LAWS OF HA-
WAII 1925, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii: L/31, P. 284

SECTION 1. Section 1325 of the Revised Laws of Hawaii 1925,
is hereby amended by adding thereto the following paragraph:

"All that property, real and personal, belonging to the Trustees
under the Will and of the Estate of Bernice Pauahi Bishop, de-
ceased, known as the Marine Railway Site, situate on the water
front, Honolulu, now leased to the Territory of Hawaii, shall, for
the balance of the term of said lease, and/or for the term of its
extension, be exempt from taxation."

L/31, P. 284

SECTION 2. This Act shall take effect upon its approval.

L/29, P. 274

Approved this 27th day of April, A. D. 1925.

L/32 P. 124

L/32 P. 58

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 107

[S. B. No. 247]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO REIMBURSE THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF BERNICE PAUAAHI BISHOP, DECEASED, FOR TAXES COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to pay to the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, the sum of four thousand five hundred twenty-five dollars (\$4,525.00) this amount being the proportion of the amount of ten thousand two hundred one and 95/100 dollars (\$10,201.95) paid to the City and County of Honolulu by the territory on account of taxes paid by said estate to the territory on the property known as the Marine Railway Site, situate on the waterfront, Honolulu, and now under lease to the territory, which amount of taxes was wrongfully collected from said estate.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 108

[S. B. No. 248]

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF REIMBURSING THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF BERNICE PAUAAHI BISHOP, DECEASED, FOR TAXES WRONGFULLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand six hundred seventy-six and 95/100 dollars (\$5,676.95) is hereby appropriated out of the general revenues of the territory for the purpose of reimbursing

the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, this amount being the proportion of the sum of ten thousand two hundred one and 95/100 dollars (\$10,201.95) retained by the Territory of Hawaii from taxes wrongfully collected from said estate in the year 1924 on account of the Marine Railway Site, situate on the waterfront, Honolulu, now under lease to the territory.

SECTION 2. The auditor of the territory is hereby authorized and directed to draw a warrant upon the treasurer of the Territory of Hawaii, payable to the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, or order, for the sum of five thousand six hundred seventy-six and 95/100 dollars (\$5,676.95), and to deliver said warrant to said trustees.

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 109

[S. B. No. 256]

AN ACT APPROPRIATING THE SUM OF THIRTEEN THOUSAND NINE HUNDRED FORTY-NINE AND 60/100 DOLLARS (\$13,949.60) FOR THE REIMBURSEMENT OF CERTAIN PERSONS FOR LOSSES DUE TO THE FOOT AND MOUTH DISEASE EMBARGO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenues of the territory, the sum of thirteen thousand nine hundred forty-nine and 60/100 dollars (\$13,949.60), to be paid to the following named persons in the amounts set opposite their respective names, for losses sustained by them due to the embargo placed on certain California products on account of the recent epidemic of the foot and mouth disease:

Makins Produce Company	\$ 110.22
Fred L. Hilmer Company	172.14
Ting Poultry Farm	68.70
Wailuku Hardware & Groc. Co....	21.69

Maui Dry Goods & Groc. Co.....	34.77	
Albers Bros.	835.86	
Sherry Bros.	185.15	
Rawley's Ice Cream Co.....	76.63	
American Factors, Ltd.	483.28	
M. Kobayashi	43.62	
Len Wai	4.67	
Sperry Flour Company	386.95	
Hawaii Meat Company	23.87	
Theo. H. Davies & Co., Ltd.....	937.53	
Matson Navigation Company	4,704.90	
G. E. Macfarlane	631.32	
Alexander & Baldwin, Ltd.....	1,074.63	
James L. Friel	200.00	
Honolulu Stock Yards	3,122.96	
San Francisco Milling Co.....	267.19	
Libby, McNeill & Libby	380.00	
C. S. Meiners	100.00	
H. E. Podmore	83.52	\$13,949.60

These respective amounts shall be paid by the treasurer of the territory upon warrants based upon vouchers approved by the executive officer of the board of agriculture and forestry.

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
 Governor of the Territory of Hawaii.

ACT 110

[H. B. No. 271]

AN ACT TO AMEND CHAPTER 26 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EMPLOYMENT AND PAY OF OFFICIALS ON ACTIVE SERVICE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 280 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Section 280. Pay of officers and employees. All officers and employees of the Territory of Hawaii, the several counties or city

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and county, shall be entitled, while on active duty or during periods of camps of instruction or field maneuvers as members of the Hawaii National Guard, Naval Militia, Organized Reserves, including the Officers' Reserve Corps and Enlisted Reserve Corps, under call of the President of the United States or the Governor of the Territory of Hawaii, to receive pay as provided by law, without loss of his ordinary remuneration as an officer or employee of the Territory of Hawaii, the several counties, or city and county."

SECTION 2. Section 281 of the Revised Laws of Hawaii 1925, *Am. & 2d/* is hereby amended to read as follows:

"Section 281. Non-forfeiture for absence. No officer or employee of the Territory of Hawaii, the several counties, or city and county, shall be held to have forfeited his position by reason of absence from the performance of his duties thereof while in active duty or during periods of camps of instruction or field maneuvers as a member of the Hawaii National Guard, Naval Militia, Organized Reserves, including the Officers' Reserve Corps, and Enlisted Reserve Corps, and such officers and employees shall be entitled to leave of absence from their respective duties without loss of time or pay on all days during which they shall be engaged as herein provided, and ordered or authorized under the provisions of this Act."

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 111

[H. B. No. 316]

AN ACT TO AMEND SECTION 7 OF ACT 15 OF THE SESSION LAWS OF 1921, AS AMENDED BY ACT 14 OF THE SESSION LAWS OF 1923, PROVIDING A MEMORIAL TO THE MEN AND WOMEN OF HAWAII WHO SERVED DURING THE GREAT WAR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 7 of Act 15 of the Session Laws of 1921, as amended by Act 14 of the Session Laws of 1923, is hereby amended to read as follows:

"Section 7. The commission shall notify the superintendent of public works of the name of the architect whose plans are adopted.

The superintendent of public works is hereby authorized and directed to employ said architect to furnish detailed plans and specifications and to assist the superintendent of public works in the supervision of the construction of said memorial, or such part thereof as is constructed.

The superintendent of public works is hereby authorized, prior to or after the advertisement upon which the contract is awarded, to modify and change or to reject such detailed plans and specifications for the memorial and/or the swimming course and pool, or any part thereof, and in the event of the rejection of said plans and specifications, to employ an architect to furnish substitute detailed plans and specifications and to assist said superintendent in the construction of said memorial or such part thereof as shall be constructed.

The superintendent of public works shall advertise for bids upon the above plans and specifications, or under the plans and specifications as modified and changed or as substituted by him, as provided for by law, and shall specifically request separate bids for the completion of the various elements of said memorial, to-wit, the central stand and swimming pool. In the event that no bid is received from a responsible bidder to complete the whole memorial, for the amount of, or for less than the amount of the available appropriation, but a bid is received from a responsible bidder for the swimming pool only, for the amount of, or less than the amount of, the available appropriation, then the superintendent of public works is authorized and empowered to let the contract to the successful bidder for the completion of the swimming pool only, to be paid for out of the whole or any part of the appropriation provided for the memorial.

The superintendent of public works shall superintend and control the building, erection and construction of the said memorial, or such part thereof as shall be contracted to be constructed under the provisions hereof."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON.

Governor of the Territory of Hawaii.

ACT 112

[H. B. No. 353]

AN ACT TO AMEND SECTION 88 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CLERKS TO CERTAIN BOARDS OF ELECTION INSPECTORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

L/29, P. 188

SECTION 1. Section 88 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

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"Section 88. Clerk. In precincts of more than five hundred registered voters, the board of election inspectors of such precincts shall be authorized and empowered to employ a clerk to assist in the work of the board, such clerk to be a registered voter and actually a resident of such precinct in which he serves and shall be paid out of such appropriations as may be made by the legislature for election purposes, in the case of territorial elections, and out of such appropriations as may be made by the boards of supervisors of each county or city and county in the case of county or city and county elections, the sum of fifteen dollars (\$15.00) for each election."

L/31, P. 44

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 113

[H. B. No. 399]

AN ACT TO AMEND CHAPTER 98 OF THE REVISED LAWS OF HAWAII 1925, AUTHORIZING THE TREASURER TO DEPOSIT TERRITORIAL MONEYS ON TIME CERTIFICATES OF DEPOSIT OR IN SAVINGS DEPARTMENTS, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 1261A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 98 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 1261A, reading as follows:

"Section 1261A. Whenever it shall appear to the treasurer that any moneys then in the territorial treasury will not be needed by the territory for a period of three months or more, he may deposit the same in any National Bank, or other bank doing business under the laws of the territory, either on time certificates of deposit, or in the savings department, upon the same rate of interest as is then being paid by such bank to others depositing moneys in the same manner and for like terms, provided, however, that such bank furnish security for the moneys so deposited in accordance with the provisions of Chapter 98 of the Revised Laws of Hawaii 1925."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 114

[S. B. No. 151]

AN ACT RELATING TO MENTAL DISEASES, AND REPEALING CHAPTERS 91 AND 92 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

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SECTION 1. Hospital. There shall be in the City and County of Honolulu, at such place as the board of health, with the approval of the governor, shall direct, a suitable institution to be known as territorial hospital for the reception, treatment and detention of persons committed thereto as insane, and of persons requiring treatment and care for mental diseases not amounting to insanity, who may be committed or admitted thereto under the provisions of this Act. Until otherwise provided by law the "insane asylum" heretofore established and now existing under Chapter 91 of the Revised Laws of Hawaii 1925, and the separate department or branch thereof known as the "detention house" heretofore established and now existing under Chapter 92 of said Revised Laws, shall be used and constitute the nucleus for said territorial hospital contemplated by this Act.

SECTION 2. Management. Said hospital shall be under the management and control of the board of health; provided that

the patients of said institution shall be under the immediate observation, care and treatment of a medical director who shall be a trained psychiatrist appointed by the board of health, whose duties shall include those provided in this Act.

SECTION 3. Special wards. There shall be such special or separate wards of said hospital, of such number and at such locations, either at the main institution or elsewhere in Honolulu, as the board of health shall direct, including wards for the reception and care of persons suffering from any mental disease or disorder of an acute and presumably curable character, or whose recovery or improvement would in the judgment of the medical director be facilitated by their detention separate and apart from other inmates of the institution, and a special ward or wards in which patients may be separately maintained and treated with suitable reference to their station in life and means or ability to pay the cost thereof, and a special and separate detention ward or wards for the reception and treatment of persons addicted to the excessive use of drugs or liquor.

SECTION 4. Business management. There shall be a superintendent of said institution who shall, among other things, have charge of the business administration thereof under the direction and control of the board of health, and whose duties shall include the keeping of records of the name, age, sex, nationality and other descriptive data of every person committed or admitted to said hospital.

SECTION 5. Examination and treatment of patients. It shall be the duty of the medical director (or any assistant under his supervision and direction) to carefully examine every patient of the institution and inquire into and make a record of all procurable data relating to the antecedents, character, family history, health, environment and habits of each patient, and the predisposing and exciting causes of such patient's mental disorder, and also to record a diagnosis of the mental disorder of each patient and the treatment prescribed therefor, and periodically make reexaminations and review the records of each patient and record all observations, and in suitable cases to recommend patients for discharge or parole by the commissioners.

SECTION 6. Inmates' liability for expense. Every person not indigent committed or admitted to said hospital or any ward thereof, and any property of his or her estate not exempt from execution, shall be liable for the expenses attending his or her reception, maintenance and care; and the attorney general, whenever requested by the hospital superintendent, shall take such steps

as may be appropriate, by suit if necessary, to compel the payment thereof and secure payment by the attachment or other sequestration of any property of such person not exempt from execution.

SECTION 7. Arrest. Any relative of any person who is believed to be insane, or any next friend or any person who for the time being shall have the immediate care of a person believed to be insane, or any sheriff or deputy sheriff or police officer of any county or city and county in this territory or any physician duly licensed to practice medicine in the territory, may make complaint and cause the arrest and detention of any person believed to be insane and whose being at large is believed by the complainant to be dangerous to the safety of such supposed insane person or of the community.

SECTION 8. Complaint, warrant. Such complaint shall be in writing and sworn to before any district magistrate in the district where such person may be or before the circuit judge of the circuit within which such district may be situated. Upon complaint being made as aforesaid, such district magistrate or circuit judge shall forthwith issue a warrant for the arrest and detention of such alleged insane person directed to the sheriff or his deputy or any police officer and commanding that such alleged insane person be arrested and brought before the district magistrate or circuit judge issuing such warrant at the time and place stated in such warrant. Provided, however, that in emergency cases, where in the opinion of any duly licensed physician it is necessary that any supposed insane person be placed under immediate restraint in order to prevent imminent danger to himself or the community, such supposed insane person may be placed under such immediate restraint, without complaint or warrant, by any sheriff or deputy sheriff or a police officer, and placed in any county or city and county detention ward for examination as to mental condition; and provided further that in every such case the supposed insane person shall within forty-eight hours be charged with insanity on a formal complaint and be held in detention on a formal warrant issued by a magistrate or judge as aforesaid or be released from such detention. The sheriff of any county or city and county may appoint suitable persons, at any hospital or elsewhere, as special police with authority to act in such emergency cases. If any such special police officer shall be attached to or connected with any hospital, the supposed insane person may be detained at such hospital as though at a temporary detention ward of the county or city and county pending formal complaint and detention by warrant as aforesaid.

SECTION 9. County detention wards. The board of supervisors of each county or city and county shall provide and maintain or arrange for and designate, at or in conjunction with any hospital or otherwise, a temporary detention ward or wards in such county or city and county other than in any prison or jail, for the reception and detention of persons charged with insanity pending their examination upon such charge, and for the detention of persons suffering from mental disorder who are awaiting transfer to the said hospital for mental diseases. No person suffering from any mental disorder shall be taken to or held in any prison or jail while awaiting examination or transfer (unless such person shall be held in or committed to prison or jail under a warrant or conviction for a criminal offense). In the City and County of Honolulu such temporary detention ward may be at or in conjunction with any ward of the said hospital provided the cost of maintenance and care of the person there so detained shall be borne by the city and county on such terms as may be approved by the board of health.

SECTION 10. Time of detention without examination. No alleged insane person shall be held in detention under such warrant longer than ten days without an examination as to his mental condition; provided that such examination shall be held within forty-eight hours from the time such person was taken into custody on such warrant if demanded by him or by any person on his behalf.

SECTION 11. Examination, commitment. It shall be the duty of said district magistrate or circuit judge to examine all persons brought before them on said warrants as to their mental condition. If it shall appear to the satisfaction of said district magistrate or circuit judge, after a full hearing at which the alleged insane person shall have the right to be heard personally or by counsel, and to produce witnesses on his or her own behalf, that such person is insane and that it would be unsafe to allow him or her to be at large, the said district magistrate or circuit judge shall so certify in writing, and cause such certificate to be sent to the superintendent of said hospital, and shall issue a commitment under his hand authorizing and directing that such person be detained in said hospital until he or she shall be discharged as in this Act provided, and shall cause said commitment together with said person to be delivered to the superintendent of said hospital. Said magistrate or judge shall also forthwith cause to be sent to the superintendent of said hospital a transcript of the evidence upon which such commitment was based.

SECTION 12. Conveying patients to hospital. The judge or magistrate by whom any person is committed to said hospital may

appoint a proper person to convey the patient to the hospital. If the patient be a woman the committing judge or magistrate must, unless she is accompanied by her father, husband, brother or son, appoint a woman of reputable character and mature age to accompany her thereto. The cost of conveying a patient and the proper expenses of the person conveying such patient to the hospital shall be borne by the county or city and county from which the patient is committed.

SECTION 13. Appeal. Any person who has been adjudged insane, or any relative or next friend of such person on his behalf, may appeal to the commissioners of insanity from said decision of said district magistrate or circuit judge by giving notice of said appeal within ten days from the date of said decision, and shall within fifteen days serve a copy of such notice on the chairman of the commissioners, and no cost shall be charged to the appellee or appellees.

SECTION 14. Commitment of person acquitted of crime. Whenever any person indicted for any crime shall be acquitted after having submitted evidence of his insanity or mental derangement, the court before whom such trial has been had shall forthwith, without other or further proceedings, commit such person to the said hospital, there to be detained as an insane person until discharged as in this Act provided.

67/33 SECTION 15. Examination of indicted person pleading defense of insanity. Whenever a person has been indicted by a grand jury for a capital offense, or whenever any person who is known to have been indicted for any other offense more than once or to have been previously convicted of a felony is indicted by a grand jury or bound over for trial in any circuit court of the territory, the judge of the court in which such person is to be tried for such offense may in his discretion, and with or without bond or bail in his discretion, before any trial on the criminal charge, cause such person to be examined by the psychiatrist or any designated psychiatrist of the said hospital and by two additional unbiased physicians who in the opinion of the judge are qualified as examiners in insanity, with a view to determine the mental condition of such person and the existence of any mental disease or defect which would affect his criminal responsibility. In every such case such person shall by the order of said court be placed in detention in said hospital for the purpose of such examination for a period of ten days or until completion of such examination if not concluded within said ten days, and the persons so making said examination shall file with the court their written report and opinions thereon, which report shall be accessible to the court, the

prosecuting attorney, and the attorney for the accused. If the court shall deem such report conclusive of the then present insanity or mental irresponsibility of the accused the court may allow a nolle prosequi to be entered in the case, and in such case shall forthwith, without other or further proceedings, adjudge the accused to be insane and commit him to the said hospital until discharged as in this Act provided; or the court may direct the trial of the accused to proceed and in such case the jury shall determine any issue of then existing or alleged previous mental irresponsibility.

SECTION 16. Drug and liquor addicts. Upon the filing in any circuit or district court by any relative, next friend, or any county or city and county sheriff or deputy, of a verified petition setting forth that any person within the jurisdiction of such court is a patient addicted to the excessive use of drugs or liquor and in need of care and treatment, or that it is dangerous for said person to be at large, and also stating therein the petitioner's relationship, if any, and the indication of lack of self-control of such alleged patient in the use of any such drugs or liquor, and praying the court to enquire into the matter and commit such person as a patient addicted to the excessive use of drugs or liquor, the judge of such court shall require that such alleged patient be brought before him, and when from such petition or otherwise it appears necessary, may issue a warrant directed to the sheriff or deputy sheriff of the county or city and county or to the high sheriff or his deputy, requiring him forthwith to arrest and bring such person before the court for examination. It shall thereupon be the duty of the judge of such court to examine the alleged patient brought before him and at such hearing the alleged patient shall have the right to be heard personally or by counsel, and to produce and have subpoenaed witnesses on his behalf. Before any such examination shall be made, and if such patient shall have no other counsel, the judge shall give reasonable notice to the county attorney, who shall appear and take such action as may be necessary to protect the rights of the alleged patient and the interests of the territory. The judge shall in any case render and file his decision thereon in writing, including a statement of the facts as found by him, and the reasons therefor and enter judgment accordingly, and if the judgment is for commitment shall forward a copy thereof to the superintendent of said hospital.

SECTION 17. Commitment. If it shall be determined by the said judge that the person so brought before him for examination is a patient addicted to the excessive use of drugs or liquor, and lacks self-control in the use of any such drugs or liquor, and is in need of detention and special treatment therefor, such person shall be committed by said court to the said hospital as a patient

in a special ward. The term of detention shall be for an indeterminate period, and until such person shall be discharged therefrom as hereinafter provided. While in said hospital, such patients shall be given such method of treatment as in the judgment of the medical director will best tend to eliminate the effects of drugs or liquor, to build up their systems physically and mentally, and to strengthen their moral character and ability to resist the temptation of drugs or liquor.

SECTION 18. Appeal. Said alleged patient addicted to the excessive use of drugs or liquor or any relative or next friend on his behalf may appeal to the commissioners of insanity from any judgment of commitment as aforesaid, by filing notice of such appeal in the court of commitment within ten days, and a copy thereof with the chairman of the commissioners of insanity within fifteen days after entry of such judgment of commitment, which appeal may be taken without payment of any costs in the court of commitment. Upon such appeal, the commissioners of insanity shall hear and determine the same in the same manner as in this Act provided in the case of an appeal from the commitment of an alleged insane person, and their decision thereon shall be final.

a 43/33 SECTION 19. Commissioners of insanity. The governor shall nominate and by and with the advice and consent of the senate shall appoint three persons, one of whom shall be a person duly licensed to practice law in all the courts of this territory and who shall be the chairman of the commission, and two of whom shall be regularly licensed to practice medicine in the territory, in the City and County of Honolulu, and who in the opinion of the governor are qualified as examiners in insanity, who shall be known as commissioners of insanity and who shall hold office for four years unless sooner removed for cause, and whose duties shall be to hear all cases brought before them on appeal by any person committed to said hospital, and to investigate and determine the mental condition of patients seeking discharge or parole, and to do and perform such other acts and duties as may be imposed upon or vested in them by the provisions of this Act.

SECTION 20. Oath. Each of the said commissioners, before entering upon his duties, shall take and subscribe the following oath:

"I, do solemnly swear that I will well and faithfully and diligently inquire into the mental condition of all persons who shall be brought before me for examination according to law, and that I will well and faithfully discharge

and perform all the duties of such commissioner; so help me God."

Such oath when taken and subscribed shall be forwarded to the secretary of the territory who shall file the same.

SECTION 21. Hearing of appeals. It shall be the duty of said commissioners to hear and determine all cases brought before them on appeal as in this Act provided. And upon such appeal the appellant shall have the right to be represented by counsel and to produce witnesses on his own behalf. If in any case of a commitment for alleged insanity it shall appear to the satisfaction of a majority of said commissioners that the alleged insane person is sane they shall forthwith annul and vacate the former adjudication of insanity of such person and order his discharge; and if it shall appear to the satisfaction of a majority of said commissioners that such person is insane and that it is unsafe to allow him or her at large, said commissioners shall dismiss said appeal and remand said person to the custody of the superintendent of said hospital. On any appeal by a person committed because of excessive use of drugs or intoxicating liquor the commitment may likewise be vacated or sustained as the commissioners shall determine.

SECTION 22. Discharge from hospital. Any person committed to said hospital may upon application being made by himself or a sheriff, deputy sheriff or by a relative or next friend of such person, and notice given to the superintendent of said hospital, or upon application by the superintendent or medical director, be examined by the commissioners as to his or her mental condition, and if a majority of said commissioners shall be satisfied that such person is of sound mind or is not dangerous to the public safety, they shall so adjudge and such decision shall be certified to the superintendent of the hospital and such person shall be forthwith released from detention. L. 27. P. 66

SECTION 23. Parole. The commissioners may, under such restrictions and conditions and for such time as they may deem proper consistently with the safety of the public, permit any inmate of said hospital temporarily to leave said institution upon parole, in charge of his or her guardian, relatives, friends, or alone. In every such case, such person shall be subject always to recall by the commissioners at any time, or may be returned to the hospital at any time by his or her guardian, or other person in whose care he or she may have been paroled. The original order of commitment of every such person shall remain in force and effect, except only as temporarily suspended by the terms of such parole, until such person shall be officially discharged. Upon

any failure or refusal of any person so admitted to parole to conform to the terms of such parole, or to return to the hospital upon the expiration of the period of parole, or to return upon recall by the commissioners at any time before he or she shall have been officially discharged from said hospital, it shall be the duty of any sheriff, deputy sheriff or police officer, upon the written direction of the commissioners of insanity or the chairman thereof, to forthwith arrest such person without other or further warrant or proceedings and return him or her to the custody of the superintendent of said hospital. Nothing in this section contained shall be construed to permit the parole of persons against whom criminal proceedings may be pending, or who have been committed to said hospital under Section 14 or held in detention under Section 15 of this Act.

SECTION 24. Evidence filed. The chairman of the commissioners shall cause to be reduced to writing the substance of the evidence taken upon the examination of any person whose appeal or application for discharge or parole is denied by them as in this Act provided, and forward the same to the secretary of the territory who shall file the same.

SECTION 25. Powers of commissioners. Said commissioners shall have power to administer oaths, to punish for contempts, to grant adjournments, to subpoena and compel the attendance of witnesses and the production of books and papers, and generally to exercise the same authority with regard to their special jurisdiction as is by law conferred upon district magistrates. Orders made and process issued by the commissioners may be signed for the commissioners by the chairman.

43/33 SECTION 26. Pay of Commissioners. Said commissioners shall each be entitled to receive the sum of five dollars (\$5.00) for the examination of every person made under the provisions of this Act, on appeal or on application for discharge or parole, (or if such examination shall not be completed in one day then five dollars (\$5.00) for each day of such examination), together with all other necessary expenses incurred by the commissioners in making such examination, which fees and expenses shall be a charge upon the county or city and county from which such person was committed, and the chairman of the commissioners shall send a memorandum of such fees and expenses to the clerk of such county or city and county who shall submit the same to the board of supervisors who shall provide for the payment of the same within sixty days after the same shall have been incurred.

SECTION 27. Voluntary admission. The superintendent or medical director of said hospital may receive in any appropriate

ward thereof, for observation, care and treatment, any person who is suffering from any temporary mental or nervous disorder or affection, without such person being legally committed to said institution, when application therefor shall be made by such person or by any relative, legal guardian or next friend of such person, in conformity with the provisions of this Act; provided that no person against whom any criminal charge is pending shall be eligible for admission as a voluntary patient unless under bond or bail in connection therewith.

SECTION 28. Application. Such application shall be made in writing and be accompanied by a certificate of two duly licensed physicians setting forth that in their professional opinion the proposed patient is in such mental or nervous condition as to require observation, care and treatment in said institution and also setting forth all procurable data respecting the antecedents, character, family history, health, environment and habits of the proposed patient, and the known or suspected predisposing and exciting causes of mental disturbance. The applicant shall also in writing agree to pay such costs and charges as shall from time to time be fixed by the superintendent with the approval of the board of health for the proper care, maintenance and treatment of the patient while retained in said institution, and whenever required by the superintendent then or thereafter shall also furnish a satisfactory bond or other security therefor; and shall further agree that such person while remaining in said institution will be subject to and will abide by all such rules and regulations applicable to or concerning his or her conduct, care and treatment as shall from time to time be prescribed by the medical director with the approval of the board of health; and that the patient will be subject to dismissal or expulsion for any failure therein.

SECTION 29. Private physician. Every person received as a patient under this Act may be allowed to have treatment by a private physician who shall for such purpose be deemed a consulting physician and have such rights and privileges as shall be authorized by the board of health.

SECTION 30. Amenability to rules, etc. No person so received as a voluntary patient under this Act shall be subjected to any restraint except as may be provided by the rules and regulations of the institution pertaining to the personal conduct and care of such patient while remaining therein or except as may be required for the safety of the patient or of other persons or of property; provided, however, that if any voluntary patient shall leave the institution without the prior consent of the superin-

tendent or medical director such patient shall not again be entitled to re-enter or be readmitted except in the discretion of the superintendent or medical director.

SECTION 31. Presumption. No presumption of insanity or legal incompetency shall exist with respect to any such patient by reason of his voluntary admission to said institution under the provisions of this Act.

SECTION 32. Admission or exclusion; appeal. No person shall be entitled, as of right, to be admitted to said institution under this Act, nor to remain therein. If the superintendent or medical director shall decline to admit or retain any person or order the removal of or expel any person from said institution, any party feeling aggrieved thereby may appeal within five days to the commissioners of insanity who shall have full power to hear and finally determine any such issue, and their fees and the costs thereof shall be paid as in other cases coming before them under this Act.

SECTION 33. Visit hospital and report. It shall be the duty of the commissioners or the chairman thereof to visit the said hospital from time to time and to semi-annually submit a report to the governor of the condition of the same and the number of patients therein; and the superintendent, or other person in charge of the hospital, and the keepers thereof, and all other officials connected with said hospital are hereby required and directed to admit any commissioner at any hour of the day or night to said hospital, and to afford him every opportunity to make a thorough inspection and examination of said hospital and of any person detained therein.

SECTION 34. All commitments and discharges under this Act. No person shall be committed to said hospital or be discharged therefrom except as in this Act provided.

31, P. 11 SECTION 35. All of Sections 1128 to 1171, both inclusive, in Chapters 91 and 92 of the Revised Laws of Hawaii 1925, are hereby repealed, provided such repeal thereof shall not affect any act done, ratified or confirmed, or any right accruing or accrued and established, or any action, suit or proceeding had or commenced in any civil cause, prior to said repeal, but all rights and liabilities under any of said laws so repealed shall continue, and may be completed and enforced in the same manner and with the same effect as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof.

SECTION 36. This Act shall take effect sixty days after its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 115

[S. B. No. 179]

AN ACT TO AMEND SECTION 3424 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INSURANCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3424 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Section 3424. Companies must obtain certificate of authority; business to be done only through licensed resident agents. No domestic or foreign company shall transact or attempt to transact any business of insurance upon risks in this territory unless it shall first obtain from the commissioner of insurance a certificate of authority to transact such business, nor shall it transact such business except through licensed agents, who are, except in the case of life insurance, resident in the territory (or in the case of foreign corporations acting as agent, such foreign corporations shall have complied with the requirements of Chapter 195 of the Revised Laws of Hawaii 1925, and any amendments thereto) who, except in the case of life insurance, shall receive the full commission usually paid in this territory on business of the same classification and who, except in the case of life insurance, shall countersign all policies placed by or through them, and keep in their offices at all times a complete record of all applications for and policies of insurance placed by or through them. This section shall not apply to reinsurance nor to policies issued from the home office of any domestic company, nor shall the provisions herein respecting commissions prevent a licensed agent of this territory from dividing commission with any other agent of this territory licensed to write the same kind of insurance.

No provision of this Act shall be construed as prohibiting any person from procuring any insurance which is not at the time

of procuring such insurance, written by any company authorized to transact business in this territory."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 116

[S. B. No. 189]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE THE SUM OF ONE THOUSAND SEVEN HUNDRED SIXTY-SEVEN AND 75/100 DOLLARS (\$1,767.75) FOR THE PAYMENT OF APPROVED EXTRAS ON A CONTRACT BETWEEN H. DEFRIES AND THE CITY AND COUNTY OF HONOLULU FOR THE CONSTRUCTION OF THE KEWALO STORM DRAIN, AND PROVIDING FOR THE PAYMENT OF THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate the sum of one thousand seven hundred sixty-seven and 75/100 dollars (\$1,767.75) out of the permanent improvement fund of said city and county for the payment of certain approved extras on the contract between H. DeFries, of Honolulu, and said city and county for the construction of the Kewalo Storm Drain by H. DeFries for said city and county, said one thousand seven hundred sixty-seven and 75/100 dollars (\$1,767.75) being the amount agreed upon between H. DeFries and the engineer of the City and County of Honolulu as the value of the same, and the payments therefor to be made as follows:

To the Road Department of the City and County of Honolulu for amounts expended by them..	\$ 44.09
To Allen & Robinson, Limited, assignee for certain creditors on said Kewalo Storm Drain contract	1,723.66

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 117

[H. B. No. 45]

AN ACT TO APPROPRIATE THE SUM OF SEVENTEEN THOUSAND DOLLARS (\$17,000.00) BY WAY OF ADVANCEMENT FOR THE CONSTRUCTION OF THE PUNAHOA, HALAI, PUUHONU, PUNAWAI, LELE, AND PUNAHINA ROADS, IN THE PIIHONUA HOUSE LOTS TRACT, THIRD SERIES, DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of seventeen thousand dollars (\$17,000.00), or so much thereof as may be necessary, is hereby appropriated by way of advancement out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of the Punahoa, Halai, Puuhonu, Punawai, Lele, and Punahina Roads, in the Piihonua House Lots Tract, Third Series, District of South Hilo, County of Hawaii.

SECTION 2. The said sum of seventeen thousand dollars (\$17,000.00) shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall construct said roads by contract with or through the Board of Supervisors of the County of Hawaii, as is provided by law.

SECTION 3. The money hereby appropriated shall be deemed to be an advancement out of the general fund of the Territory of Hawaii, said fund to be reimbursed from proceeds of sale of public lands on the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 118

[H. B. No. 143]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO MAKE APPROPRIATIONS FOR AND PAY THE CLAIM OF FRANK PALONEY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to pay to Frank Paloney the sum of two hundred and sixty dollars (\$260.00) out of any moneys in the general fund of said City and County, as compensation for services rendered.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 119

[H. B. No. 172]

AN ACT TO PROVIDE FOR ADDITIONAL REVENUE FOR THE TUBERCULAR HOSPITAL IN THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to set aside and appropriate for the year ending December 31, 1925, the sum of seventy thousand dollars (\$70,000.00) and annually thereafter the sum of two hundred and fifty thousand dollars (\$250,000.00) for the maintenance and upkeep of the Leahi Home, a tubercular hospital in the City and County of Honolulu and said board may either appropriate said money out of the general fund or establish a special tax for such purpose and for the year 1925, any provision of law to the contrary notwithstanding, may add to the amount to be raised by taxes for city and county purposes any amount neces-

sary to be raised to comply with the provisions hereof, and the territorial treasurer shall each year, including 1925, fix the tax rate accordingly; provided, however, that in the month of January in each year, the board of trustees of the Leahi Home shall prepare and submit to the said board of supervisors a budget of the estimated requirements for that year and if such budget calls for a lesser amount from the city and county than two hundred and fifty thousand dollars (\$250,000.00), the said board of supervisors may appropriate such lesser amount; and provided, further, that there must at all times be a member of the said board of supervisors and the president of the board of health of the Territory of Hawaii on said board of trustees.

SECTION 2. The auditor of the City and County of Honolulu is hereby authorized and directed to draw warrants upon the city and county treasurer the first of each month for one-twelfth of said sum, in favor of said, the Leahi Home.

SECTION 3. The said board of supervisors is hereby authorized and directed to include the said sum in the annual budget of the city and county.

SECTION 4. The board of trustees of said home shall make a monthly report and an annual report to the mayor and board of supervisors showing in detail its expenditures.

SECTION 5. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 120

[H. B. No. 252]

AN ACT TO AMEND CHAPTER 291 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ARTESIAN WELLS.

L. O. P. 256

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 291 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 4506A, to read as follows:

"Section 4506A. Person may relieve himself of liability. Any person owning an artesian well may relieve himself of further responsibility therefor by transferring to the county or city and county in which it is situated said well and the exclusive right to develop the artesian water on or under any property owned by him in the district in which such well is situated and the right to enter said property for the purpose of capping or plugging such well. It shall be the duty of the county or city and county to accept such well and such right and to cap or properly plug such well. The said county or city and county shall have the right to use the well and to lay and maintain pipes to draw water therefrom, provided that such use and the laying and maintenance of such pipes be made in such manner as to cause a minimum inconvenience to the person owning said well before its transfer as provided herein."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 121

[H. B. No. 255]

AN ACT TO AMEND SECTION 2968 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PERSONAL SERVICE BY PUBLICATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2968 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2968. Personal service by publication. No person shall be entitled to an annulment, a divorce or a separation unless the libellee or defendant shall have been served personally with process if within the territory, or shall have entered an appearance in the case; provided, that, in any proceeding under Chapter 174, for an annulment, a divorce or a separation, if it shall appear by return of the summons or by affidavit or otherwise to the satisfaction of the judge that the libellee or defendant is without the territory, the judge may authorize notice of the pendency of the libel and of the time and place of hearing to be given to

the libellee or defendant personally by such person and in such manner as he shall designate, or, if it shall further appear to his satisfaction by affidavit or otherwise, that libellant does not know the address or residence of the libellee or defendant, and has not been able to ascertain either after reasonable and due inquiry and search for sixty days after the filing of the libel, the judge may authorize notice to be given to the libellee or defendant by publication thereof at least once in each of three successive weeks in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings, published in the territory, and may hear and determine the case at or after the time specified in the notice, which shall not be less than thirty (30) days after the giving of personal notice or the last publication of the published notice as the case may be. All property within the territory of the libellee or defendant may by order of the court, be subjected to the enforcement of any judgment or order of the court obtaining jurisdiction by the method of service herein provided with respect to any allowance provided for in Section 2958."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 122

[H. B. No. 270]

AN ACT TO AMEND SECTIONS 3415 AND 3416 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INSURANCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sub-paragraph (1) of Section 3415 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"(1) 'Company' includes all corporations, associations, partnerships or individuals engaged as principals in the business of insurance except a fraternal or mutual benefit society but is not to include any corporation, association, partnership or individual signing a bond or undertaking with respect to which no premium is charged or paid or in the performance of which the surety has an interest."

Am. 2/58/33

SECTION 2. Section 3416 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3416. Insurance companies must comply with insurance law. The company, association, partnership or individual engaged in the business of insurance, of a suretyship, or of guaranteeing against liability, loss or damage, or of entering into contracts substantially amounting to insurance, shall be deemed an insurance company and shall not transact such business unless the business is authorized or permitted by the laws of the Territory, and all laws regulating the same and applicable thereto have been complied with; provided, however, that this section shall not be construed to apply to bonds with respect to which no premium is charged or paid or to bonds or contracts or undertakings in the performance of which the surety has an interest."

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 123

[H. B. No. 288]

AN ACT TO AMEND SECTION 55 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ELECTION PROCLAMATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 55 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

Am. A. 1923/33 SECTION 55. Proclamation. At least forty days before any territorial general election, the governor shall issue an election proclamation and transmit copies of the same to the several boards of inspectors throughout the Territory or where the election is to be held."

SECTION 2. This Act shall take effect from and after its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 124

[H. B. No. 291]

L. 27, P. 133

AN ACT TO PROVIDE FOR THE KEEPING OF CLEAN SIDEWALKS IN THE CITY AND COUNTY OF HONOLULU.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. After the establishment of the grades of streets within the City of Honolulu and the construction of such streets and adjacent sidewalks under the law relating to highways and the construction thereof at the whole or partial cost of the abutting property owners, all property owners whose frontage abuts or adjoins such streets and sidewalks shall, after the construction of said streets and sidewalks, continuously maintain, and keep clean, passable and free from weeds and noxious growths the whole of such sidewalk as may abut or front upon his premises and property.

SECTION 2. If such owner, after receiving notice from the City and County of Honolulu fails, within twenty days of such notice, to clean such sidewalk, or fails and neglects to keep such sidewalk clean and free from weeds and noxious growths, then and thereupon the City and County of Honolulu shall proceed to clean such sidewalk, as may be reasonably required under the provisions of this Act, and the cost thereof shall be charged to and against such property owner and shall be collected from such property owner, if not immediately paid, by suit or action in the District Court of Honolulu.

SECTION 3. The City and County of Honolulu is expressly charged with the execution of the provisions of this Act.

SECTION 4. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 125

[H. B. No. 312]

AN ACT TO AMEND SECTION 346 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO AGRICULTURAL AND INDUSTRIAL PURSUITS IN THE PUBLIC SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 346 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 346. As prescribed by the department. The department of public instruction shall have power to prescribe the manner and designate the places in which such pursuits shall be conducted, and also to determine the extent to which they shall be followed, either generally or to suit particular cases, provided, however, that there shall be prescribed and given courses in agriculture, manual training, domestic arts and domestic science in all grades above the sixth grade in all public schools where proper facilities are available, which courses shall be compulsory. The provisions of this Section are subject to the provisions of Section 310 in classes where the English language is a subject of study."

SECTION 2. This Act shall take effect on and after July 1, 1925.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 126

[H. B. No. 352]

AN ACT TO AMEND PARAGRAPH 1 OF SECTION 86 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ELECTION INSPECTORS.

123, P. 188
31, P. 44
Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 1 of Section 86 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 86. Number, appointment, vacancies. There shall be three inspectors of election for each precinct. They shall be appointed by the governor, as far as reasonably practicable, from the opposing parties, and shall be registered voters and actually residing in the precinct in which they serve."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 127

[H. B. No. 387]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT
OUT OF THE GENERAL REVENUES OF THE TERRITORY FOR
THE CONSTRUCTION OF ROADS IN THE WOOD VALLEY HOME-
STEAD TRACT, DISTRICT OF KAU, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of two thousand two hundred dollars (\$2,200.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii received from the general revenues, not otherwise appropriated, toward the construction of roads in the Wood Valley Homestead Tract, District of Kau, County of Hawaii.

SECTION 2. The said sum of two thousand two hundred dollars (\$2,200.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands in the manner provided by law for the construction of homestead roads.

SECTION 3. The commissioner of public lands shall contract for the construction of said roads, but in no case shall contract for said roads in an amount in excess of two thousand two hundred dollars (\$2,200.00). The said sum of two thousand two hundred dollars (\$2,200.00) or as much thereof as may be expended shall be repaid into the general fund of the territorial treasury from the sale of public land in the County of Hawaii.

SECTION 4. Act 200 of the Session Laws of 1919 is hereby repealed.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 128

[S. B. No. 99]

AN ACT TO AUTHORIZE THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ACT AS TRUSTEE ON BEHALF OF THE UNIVERSITY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of regents of the University of Hawaii is hereby authorized and empowered to receive, manage, and/or invest monies or other property, real, personal, or mixed, which may be given, bequeathed, devised, or in any manner received from sources other than the Legislature of the Territory of Hawaii or any federal appropriation for the purpose of the university, its improvement or adornment, or the aid or advantage of students or faculty, and in general, to act as trustee on behalf of the University of Hawaii for any of said purposes or objects.

SECTION 2. All income and profits received by the board of regents as in Section 1 provided, shall be paid into the territorial treasury, and is hereby appropriated for the uses and purposes specified in Section 1.

SECTION 3. The board of regents shall cause to be kept suitable books of account wherein shall be recorded each gift, the essential facts of the management thereof, and the expenditure of the income, and a statement of all trust funds shall be included in the annual report to the governor.

SECTION 4. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 129

[S. B. No. 132]

AN ACT TO PROVIDE FURTHER AGAINST THE FRAUDULENT REMOVAL OR CONCEALMENT OF PERSONAL PROPERTY, BY AMENDING SECTION 4263 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4263 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4263. Fraudulent removal or concealment of personalty; penalty. Whoever, with a fraudulent intent to place personal property which is subject to a mortgage, or subject to an agreement for the delivery of such personal property, or any portion of the proceeds of sale thereof, to another, who upon the faith of the performance of such agreement has made advances of money or parted with anything of value, beyond the control of the mortgagee or such other person having a legal claim for the present or ultimate delivery to him of the said property or any portion of the proceeds of sale thereof under the said agreement, removes or conceals, aids or abets in removing or concealing the same, and an owner, mortgagor or person in possession of such property who assents to such removal or concealment, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one year. Growing crops shall be deemed personal property within the meaning of this section."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 130

[S. B. No. 223]

AN ACT MAKING AN APPROPRIATION TO REIMBURSE T. B. LYONS FOR MONEY EXPENDED BY HIM IN EXCAVATING AND CLEANING THE "ALAMIHI FISH POND" AT LAHAINA, COUNTY OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three hundred and eighty-five dollars (\$385.00) is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of reimbursing T. B. Lyons for money expended by him in excavating and cleaning the "Alamihi Fish Pond" at Lahaina, County of Maui, pursuant to the terms of a lease of said pond, made by said T. B. Lyons and the Territory of Hawaii.

SECTION 2. The sum herein appropriated shall be paid upon a warrant issued by the auditor of the Territory of Hawaii upon the said T. B. Lyons filing his receipt with said auditor in full satisfaction of his said claim.

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 131

[S. B. No. 265]

AN ACT APPROPRIATING THE SUM OF TWO THOUSAND TWO HUNDRED SEVENTEEN AND 16/100 DOLLARS (\$2,217.16) FOR THE REIMBURSEMENT OF MEMBERS OF HAWAII NATIONAL GUARD FOR LOSSES DUE TO BEING CALLED INTO ACTIVE SERVICE ON KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenue of the territory the sum of two thousand two hundred

seventeen and 16/100 dollars (\$2,217.16) to be paid the following named persons in the amounts set opposite their respective names for pecuniary losses sustained in their regular employment by reason of being called into active service by order of the governor during the Kauai riot during September, 1924:

Dr. R. B. Faus	\$250.00
John H. Roberts	45.60
John Foster	76.80
R. I. Randolph	111.30
Chas. Kahele	106.40
Harry Schriener	14.40
Marciel Sedenho	44.80
E. Spencer	32.00
William Johnson	3.60
A. Wagner	44.10
Wm. B. Medeiros	57.60
James Apao	86.26
Jesus Arias	38.00
Robert Paakonia	57.60
Robert Kama	44.00
Biven Kila	68.00
Carl F. Werthmuller	76.80
Niccanor Borres	64.00
Frank Rodrigues	38.00
Sam Silva	30.00
Ben Kong	38.00
Harry W. Kaaikaula	38.00
Joseph G. Lewis	38.00
George Aweau	30.00
Joseph Kahuku	30.00
Alfred Reiss	38.00
Karl Krauthheim	28.00
P. Kane	57.60
Ah Sun Chung	42.40
Frank Vierra	72.80
P. Starkey	64.00
Chris Willis	88.00
Hose Makaiwi	48.00
Benjamin Harry	48.00
A. L. Ustoball	64.00
Joseph Kapua	114.00
Harry Namua	31.50
Louis S. Blevins	28.80
Robert Lee	28.80

\$2,217.16

	RELIEF OF HAWAII NATIONAL GUARD, KAUAI	
	SERVICE.	[ACT 131
	HALEAKALA HOMESTEAD ROAD LAW REPEALED.	[ACT 132
158	MAKAWAO ROADS ACT REPEALED.	[ACT 133

SECTION 2. These respective amounts shall be paid by the treasurer of the territory upon warrants based upon vouchers approved by the adjutant general of Hawaii National Guard.

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 132

[S. B. No. 281]

AN ACT REPEALING ACT 68 OF THE SESSION LAWS OF 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 68 of the Session Laws of 1921 is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 133

[S. B. No. 282]

AN ACT TO REPEAL ACT 197 OF THE SESSION LAWS OF 1923.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 197 of the Session Laws of 1923 is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 134

[S. B. No. 283]

AN ACT TO AMEND ACT 224 OF THE SESSION LAWS OF 1923, RELATING TO THE EXTENSION OF HOMESTEAD ROAD THROUGH THE KAMAOLE MAKAI HOMESTEAD LOTS, DISTRICT OF MAKAWAO, COUNTY OF MAUI, BY WAY OF AN ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF SALE OF PUBLIC LANDS OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) or so much as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii not otherwise appropriated, to be expended by way of advancement for the construction, rebuilding, relocating and building of roads, Kamaole homestead lots, District of Makawao, County of Maui.

SECTION 2. The said sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary, hereby appropriated, shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands who shall construct said roads, by contract with the County of Maui as is provided by law; and the amount expended hereunder shall be deemed an advancement out of the general revenues and be reimbursed to the general revenues out of the proceeds of sales of public lands, Maui, when hereafter received.

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 135

[H. B. No. 332]

AN ACT TO AMEND SECTION 3317 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WILLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3317 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3317. Age; sound mind. Every person of the age of twenty years and of sound mind may dispose of his or her estate both real and personal by will."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 136

[H. B. No. 153]

AN ACT PROVIDING FOR THE REIMBURSEMENT TO HARRY A. FRANSON FOR PAYMENTS MADE BY HIM ON ACCOUNT OF THE PURCHASE OF LOT 15, MAP 2165, LUALUALEI HOMESTEADS, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three hundred fifty-seven dollars (\$357.00) is hereby appropriated out of any moneys in the treasury not otherwise specifically appropriated, for the reimbursement of Harry A. Franson, for so much money paid by the said Harry A. Franson, to the Territory of Hawaii, for the purchase price of Lot 15, Map 2165, Lualualei Homesteads, Oahu, under Special Agreement No. 297.

SECTION 2. The amount hereby appropriated shall become immediately available and the treasurer of the Territory of Ha-

waii is hereby authorized to pay the same to the aforesaid Harry A. Franson.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
 Governor of the Territory of Hawaii.

ACT 137

[H. B. No. 174]

L. 137, P. 200
 L/29, P. 301

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SALARIES AND EXPENSES, COURTS. L/31, P. 91

Be it Enacted by the Legislature of the Territory of Hawaii: Am A 82/33

SECTION 1. Paragraphs four and seven of Section 2132 of the Revised Laws of Hawaii 1925, relating to salaries and expenses, courts, is hereby amended to read as follows:

"SECOND CIRCUIT COURT.

	Per month.	Per annum.
Clerk	\$225.00	\$2,700.00
Deputy Clerk	165.00	1,980.00
Court Reporter and Assistant Clerk.	225.00	2,700.00
Court Expenses		8,000.00
Support, Juvenile court dependents.. . . .		2,500.00
Probation officer, female	175.00	2,100.00
Expenses, probation officer		500.00
Law books		750.00

FIFTH CIRCUIT COURT

	Per month	Per annum
Clerk	\$225.00	\$2,700.00
Court reporter, librarian and assistant Clerk	185.00	2,200.00
Court expenses		7,500.00
Support, Juvenile court dependents...		1,500.00
Probation officer	165.00	1,980.00
Expenses, probation officer		500.00
Law books		750.00"

Am A 173

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 138

[H. B. No. 281]

AN ACT TO AMEND SECTION 3371 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DISSOLUTION OF CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3371 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3371. Dissolution by treasurer in certain cases. If any corporation shall have failed or neglected for a period of two years to file an annual exhibit as required by law; or if any corporation shall have received a discharge in bankruptcy; or if any corporation shall cease to have any assets and shall fail to function as shown by a certificate under oath of any officer, director or manager of the corporation, the treasurer may, in any such event, annul the articles of association or charter of incorporation of any such corporation and declare the same dissolved, after publishing notice, once in each of eight successive weeks, of his intention to dissolve such corporation. In the event of any such corporation being declared dissolved, any trustee appointed to settle the affairs of the corporation shall pay to the territory out of any funds which may come into his hands as such trustee, a sum equal to the minimum fine which might be imposed under the provisions of Section 3366, which amount shall have priority of right over all other claims."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 139

[H. B. No. 310]

AN ACT TO AMEND SECTION 2904 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LIENS ON PERSONALTY FOR WORK DONE AND MATERIALS FURNISHED THEREIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2904 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2904. Lien on personalty for work done and materials furnished therein. A person who makes, alters or repairs any article of personal property at the request of the owner of the property, shall have a lien on the same for the reasonable charges for such work done and materials furnished, and may retain possession of the same until the charges are paid."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 140

[H. B. No. 391]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS AND AUDITOR OF THE CITY AND COUNTY OF HONOLULU TO REIMBURSE JOHN FERRAGE FOR THE DESTRUCTION OF HIS CADILLAC CAR WHILE SAME WAS EMPLOYED IN A PUBLIC USE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and directed to make an appropriation in the sum of twenty-five hundred dollars (\$2500.00) from the general fund of said City and County of Honolulu, and is authorized and directed to pay said sum of twenty-five hundred dollars (\$2,500.00) to John Ferrage to reimburse him for the destruction of a Cadillac automobile owned by him and which,

on March 10, 1917, was destroyed in a collision with a street car operated by the Honolulu Rapid Transit & Land Company, Limited, while said automobile was being employed in a public use.

Upon the making of such appropriation the auditor of the City and County of Honolulu is hereby authorized and directed to draw his warrant upon the treasurer of the City and County of Honolulu for the sum of twenty-five hundred dollars (\$2500.00) in favor of said John Ferrage.

SECTION 2. Upon said payment the said John Ferrage shall be required to release the City and County of Honolulu from all claims in respect to the destruction of said automobile as aforesaid.

SECTION 3. This Act shall take effect upon the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 141

[S. B. No. 12]

AN ACT TO AMEND SECTION 770, REVISED LAWS OF HAWAII 1925, RELATING TO FISHING IN THE WAIKIKI DRAINAGE CANAL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The second paragraph of Section 770 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Any person who shall violate the provisions of this section, shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or be imprisoned for not more than six (6) months; and one-half of all moneys from fines collected under the provisions of this section shall be paid to the person or persons assisting in the arrest and conviction."

SECTION 2. This Act shall take effect upon the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 142

[S. B. No. 15]

AN ACT TO AMEND SECTIONS 774, 775 AND 776 OF THE REVISED LAWS OF HAWAII 1925, TO PROTECT INTRODUCED FOOD AND GAME FISH, MAKING PROVISION WHEN THEY CAN BE LAWFULLY TAKEN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 774 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 774. It shall be unlawful for any person, firm or corporation to sell, offer for sale, or have in possession, or to fish for, destroy or take by any means whatsoever, any trout or bass, or any other variety of fish, oysters, clams, mussels, mollusks, crustaceans, or shell fish which have been, or shall hereafter be, introduced or planted in the waters or tide lands of the Territory of Hawaii at any time prior to the establishing of an open season for same by the board of fish and game commissioners of the Territory of Hawaii, hereinafter referred to as the commission."

SECTION 2. Section 775 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 775. Any person, firm or corporation violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment not less than five days nor more than thirty, or by both such fine and imprisonment."

SECTION 3. Section 776 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 776. One-half of all moneys collected from fines imposed under this Act shall be turned over to the person or persons assisting in the arrest and conviction of any one violating the provisions of this Act."

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 143

[S. B. No. 16]

AN ACT TO ESTABLISH MINIMUM SIZE LIMITS FOR CERTAIN
FISHES HANDLED COMMERCIALY AND TO PROHIBIT THE CUR-
ING OF BAIT FISHES FOR COMMERCIAL PURPOSES.

u. A. 31/33

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be unlawful to sell, offer for sale, or for any peddler or dealer in fish to have in his possession at any time whatsoever, any aholehole, or manini, less than five inches in length, or any mullet, commonly known by the name of amaama, or any moi, or any weke, known as oama, less than seven inches long, or any awa, opakapaka, ulaula, uku, ulua, or papio, or uhu, weighing less than one pound; or any lobster weighing less than one pound; or any clam measuring less than one and one-half inches across the long way, or any crab, known as kuahonu measuring less than four inches in width from point to point; provided, that nothing in this section shall interfere with the lawful operation of any one owning or operating a fish pond; provided further that nothing in this section shall interfere with the owner or operator of a fish pond catching or having in his possession living pua for stocking fish ponds.

SECTION 2. It shall be unlawful for any person, firm or corporation at any time to sell, offer for sale, or trade, any dried or cured nehu or iao taken from the waters within the jurisdiction of the Territory of Hawaii.

SECTION 3. Any person, firm or corporation violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00), or by imprisonment not less than five nor more than fifty days, or by both such fine and imprisonment.

SECTION 4. One-half of all moneys collected from fines imposed under this Act shall be turned over to the person or persons, not officers of the fish and game commission, assisting in the arrest and conviction of the violators.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 144

[S. B. No. 21]

AN ACT APPROPRIATING THE SUM OF SIXTY-SEVEN THOUSAND EIGHT HUNDRED TWENTY-NINE AND 69/100 DOLLARS (\$67,829.69) FOR REIMBURSING THE CITY AND COUNTY OF HONOLULU FOR THE COST OF PAVING CERTAIN PORTIONS OF STREETS IN KAIMUKI, PORTIONS OF PUNCHBOWL AND MILLER STREETS, AND PORTION OF OHUA STREET.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of sixty-seven thousand eight hundred twenty-nine and 69/100 dollars (\$67,829.69) is hereby appropriated out of the general fund of the Territory of Hawaii for the purpose of reimbursing the City and County of Honolulu for payments made by it on assessments for street improvement on streets in Kaimuki, and for street improvement on Punchbowl and Miller Streets, and Ohua Street, such payments having been made under the provisions of Section 2 of Act 241 of the Session Laws of 1919.

SECTION 2. The said sum of sixty-seven thousand eight hundred twenty-nine and 69/100 dollars (\$67,829.69) shall be paid to the treasurer of the city and county by warrants drawn by the auditor of the Territory of Hawaii.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 145

[S. B. No. 95]

AN ACT TO EXTEND THE POWERS OF THE DISTRICT MAGISTRATES OF LIHUE, HONOLULU, WAILUKU AND SOUTH HILO AS TO COMPELLING THE ATTENDANCE OF WITNESSES FROM OTHER DISTRICTS, BY AMENDING SECTION 2275 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2275 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2275. Powers. The district magistrates shall have power to administer oaths, to perpetuate testimony under commissions issued to them from other courts, and to issue commissions for the perpetuation of testimony to be used in controversies pending before them, to grant continuances of proceedings before them, to subpoena and compel the attendance of witnesses within the circuits in which their respective districts are situated, to enforce judgment and to punish contempts according to law. Witnesses duly subpoenaed from a district other than the district of the magistrate issuing the subpoena shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 146

[S. B. No. 96]

AN ACT TO EXTEND THE TIME FOR FILING NOTICES OF APPEAL, PAYING COSTS AND DEPOSITING BONDS UPON APPEALS FROM DISTRICT MAGISTRATES AND TO MAKE MORE DEFINITE PROVISIONS FOR CASES APPEALED FROM DISTRICT MAGISTRATES TO THE SUPREME COURT, BY AMENDING SECTION 2508 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2508 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2508. From district magistrates; bond. Appeals shall be allowed from all decisions of district magistrates in all matters, whether civil or criminal, to the circuit court of the same circuit, whenever the party appealing shall file notice of his appeal and shall pay the costs accrued within ten days and, if it is a civil cause, shall deposit a sufficient bond in the sum of twenty dollars (\$20.00) conditioned for the payment of the costs to accrue in case he is defeated in the court above, or money to the same amount within ten days after the decision appealed from; provided, however, that if in his notice of appeal he signifies his desire for, and demands a trial by jury, he shall be required to deposit as security for further costs, a bond in the sum of one hundred dollars (\$100.00), or money to the same amount. In any civil case appealed without a demand for a jury trial, if any appellee shall desire to have a trial by jury on appeal, he may, within twenty days after the decision appealed from, file his demand to that effect in the circuit court, and shall thereupon deposit his bond or money in the sum of one hundred dollars (\$100.00) for the payment of costs to accrue in case he is defeated in the court above. And after the trial and conclusion of such cause on appeal, whether by verdict of a jury or by the decision of the circuit judge, there shall in such cause be no further trial of the issue of fact (unless a new trial of such cause shall be awarded according to law), but exceptions upon questions of law may be taken to the supreme court; provided, that any appeal solely upon points of law from a decision of a district magistrate shall be so stated in the notice of appeal, and such appeal upon points of law may be made either to the circuit court of the same circuit, or to the supreme court, at the option of the party appealing, whenever the party appealing shall file notice of his appeal and shall pay the costs accrued within ten days and, if in a civil cause, shall deposit a sufficient bond in the sum of twenty dollars (\$20.00) conditioned for the payment of costs further to

accrue in case he is defeated in the court above, and such appeal shall be heard and determined without the intervention of a jury.

Within a reasonable time after an appeal has been perfected from a decision of a district magistrate, to the circuit court of the same circuit, or to the supreme court, it shall be incumbent upon such district magistrate to make a return thereof, together with all papers and exhibits filed in such case and all excess costs over and above the actual accrued costs earned in said case, which accrued costs shall be turned in by him as county realization; provided, however, all costs deposited in a criminal case shall be held by the clerk of the appellate court subject to the final disposition of said cause.

It shall be the duty of the clerk of the circuit court or supreme court to which an appeal has been made from the decision of any district magistrate, within a reasonable time after the case shall have been disposed of by any such court, to transmit to the district magistrate from whose decision the appeal was made, a statement showing the disposition of the case by such court."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 147

[S. B. No. 134]

AN ACT APPROPRIATING THE SUM OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00), BY WAY OF ADVANCEMENT, FOR THE CONSTRUCTION OF ROADS WITHIN THE WAIMANALO BEACH LOTS TRACT, WAIMANALO, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of thirty-five thousand dollars (\$35,000.00), or so much thereof as may be necessary, is hereby appropriated by way of advancement out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of roads within the Waimanalo Beach Lots Tract, Waimanalo, Oahu.

SECTION 2. The said sum of thirty-five thousand dollars (\$35,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall construct said roads by contract with or through the board of supervisors of the City and County of Honolulu.

SECTION 3. The money hereby appropriated shall be repaid into the general fund of the treasury of the Territory of Hawaii from the proceeds of the sale of lots in the Waimanalo Beach Lots Tract, Waimanalo, Oahu.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 148

[S. B. No. 193]

AN ACT TO AMEND SECTION 4201 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE CRIME OF EXTORTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4201 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4201. By public officer, agent, or employee. Whoever, being a public officer, agent, or employee, of any description, civil, judicial, military, or other, by color of his office, agency, or employment, wilfully and corruptly extorts from another for his own benefit and profit, any thing of value, knowing that he has not any legal authority or right to exact the same, is guilty of extortion in the second degree."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 149

[S. B. No. 211]

AN ACT REPEALING ACT 220 OF THE SESSION LAWS OF 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 220 of the Session Laws of 1921, being an Act authorizing the permanent construction of the Waikiki drainage canal and providing for the issuance and payment of bonds for that purpose, is hereby repealed..

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 150

[S. B. No. 177]

AN ACT TO MEET THE PUBLIC HEALTH EMERGENCY AT HONOLULU BY AUTHORIZING THE CONSTRUCTION OF NEEDED SEWER AND WATER IMPROVEMENTS BY SPECIAL COMMISSION WITH FUNDS PROVIDED BY A BOND ISSUE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifty thousand dollars (\$50,000.00) is hereby appropriated from the current revenues of the Territory, not otherwise appropriated, by way of advancement for the purposes of this Act, and such advancement shall be repaid from the first proceeds of the funds provided for by this Act.

SECTION 2. The treasurer of the City and County of Honolulu is hereby authorized and empowered to and shall when and so directed by the commission hereinafter constituted, issue from time to time bonds of the City and County of Honolulu, with interest coupons attached thereto to an amount not to exceed three million dollars (\$3,000,000.00), the proceeds thereof to be expended by said commission for the purposes of this Act. The principal and

interest of said bonds shall be payable in gold coin of the United States of America or its equivalent, at its present standard of weight and fineness, in the manner, upon the terms and for the purposes of this Act stated; and in addition to the provisions hereof, the issuance thereof shall be governed by the provisions of an Act of Congress approved April 30, 1900, entitled "An Act to provide a government for the Territory of Hawaii", and any amendments thereto in effect at the time said bonds are issued. No bonds shall be issued until after the issuance thereof shall have first been approved by the President of the United States. Such approval on the part of the President of the United States shall be conclusive proof that all requirements of law have been duly complied with, and that said bonds are, in all respects, valid and incontestable.

SECTION 3. The bonds issued under the authority of this Act shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest thereof shall constitute a charge upon the consolidated revenues of the City and County of Honolulu.

SECTION 4. Said bonds shall bear interest payable semi-annually at the rate of not more than five per cent per annum and shall be payable or redeemable and payable at such time or times from the date of issue thereof as will comply with the provisions of said Act of Congress and any amendments thereto in effect at the date of issue of said bonds; provided, however, that the said bonds may be of a type of bond known in commercial usages as serial bonds.

The treasurer of the City and County of Honolulu may, with the approval of said commission determine the denominations of such bonds to be issued under the authority of this Act, the place in which the principal and interest of such bonds or any of them shall be payable and the method of their redemption. The said treasurer may make such arrangements as may be necessary or proper for the sale of the whole or any part of the authorized issue. Such arrangement shall provide for the sale of such bonds by the city and county itself, upon a public advertisement for tenders therefor for at least ten days in a newspaper of general circulation, published in Honolulu, but no bond shall be sold at less than two per cent below its normal par value; provided, that before any sale is made, the treasurer shall first secure the approval of such sale by the said commission; provided, further, that the treasurer may, with the approval of the commission, accept any bid without public advertisement for tenders, provided such bids shall be even with or above the figure of the last sale made in pursuance of public advertisement for tenders.

SECTION 5. All bonds issued under the provisions of this Act shall be lithographed or steel engraved and shall be signed by the treasurer and the mayor of the City and County of Honolulu, and shall be sealed with the seal of the said city and county. Interest coupons shall bear lithographed or engraved facsimile of the signature of the treasurer of the said city and county.

SECTION 6. In case of any default in the payment of the principal of any bonds issued under the authority of this Act or of any interest thereon, the collection of the same may be enforced in a manner provided by Sections 20 to 26 inclusive on pages 1952 and 1953 of Volume II Revised Laws of Hawaii 1925.

SECTION 7. The board of supervisors of the City and County of Honolulu are hereby directed to set aside annually from the revenues derived from the water works department and from the permanent improvement fund of said city and county sufficient moneys to pay the interest upon such bonds and to provide for a sinking fund for the payment of the principal of such bonds.

SECTION 8. A commission consisting of five citizens of the Territory and residents of the City and County of Honolulu shall be appointed by the Governor in accordance with Section 80 of the Organic Act and shall be known as the Honolulu Sewer and Water Commission. The members thereof shall serve without pay and shall be commissioned for a term of six years. One member of said commission shall be appointed as the representative of the City and County of Honolulu, and the Governor shall appoint the superintendent of public works of the Territory of Hawaii as another member thereof. One member in his appointment shall be designated as chairman. Any three of the commission shall constitute a quorum for the transaction of business; except as aforesaid, officers and employees of the Territory or of the city and county shall not be eligible for appointment on the commission.

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SECTION 9. The commission shall have exclusive charge and control of the expenditures of the special fund created by this Act and such expenditures shall be for the purposes of planning an adequate sewer and water system in the district of Honolulu, of building and installing such units thereof as the moneys provided by this Act will allow, and of carrying out the provisions of this Act. The plans and specifications of the system shall follow as closely as is practicable the report of the Special Committee of the Honolulu Chapter, American Association of Engineers, on the sewer situation of the City and County of Honolulu bearing date of March 6, 1925, and the report of Messrs. Theo. Hoffman,

Fred T. Williams and J. H. Grainger, bearing date of June 2, 1924, made to the board of supervisors of the City and County of Honolulu on the present condition and effectiveness of the several water and sewer pumping stations of the Honolulu Water and Sewer Works Department and making certain recommendations to meet the city's development, which second named report was endorsed by the said Chapter of Engineers on March 12, 1925.

SECTION 10. As soon as any unit or separate part of the sewer and water system authorized by this Act shall be completed, the commission shall turn the same over to the City and County of Honolulu to be by it operated and maintained, and the same shall be accepted for such purpose by the city and county upon the written notification by the commission.

SECTION 11. The commission may employ such engineers, and other persons as it may consider necessary to carry out its duties hereunder.

The commission may adopt such rules and regulations as it may consider necessary or advisable for its own guidance and for the expedition of the work entrusted to it.

The commission shall report in full to the regular sessions of the legislature its doings and expenditures and such recommendations as it may deem advisable to expedite and complete the sewer and water system, and to insure its adequacy, and to safeguard the water sheds and artesian basins of Honolulu.

The commission every calendar month shall file with the auditor of the city and county an account of every expenditure made by it or under its authority, and of all liabilities incurred by it during the preceding month.

SECTION 12. The commission shall have power to bring proceedings in eminent domain in the name of the city and county for the acquisition of such property and rights as its duties may require to be obtained for public purposes and to prosecute the same to final judgment.

The commission shall have power to purchase such property and rights of property as may be needed in the prosecution of its work, and to adjust and compromise claims and disputes of every nature which may arise in the performance of its duties.

The attorney general or his deputies and the city and county attorney or his deputies shall advise and assist the commission whenever requested by the commission so to do.

SECTION 13. The commission is authorized and empowered to provide suitable offices and conveniences for the transaction of its business and to incur other necessary expense suitable and proper to enable it to carry out the provisions of this Act.

The commission, its agents and such other persons as may be necessary for it to perform its duties under this Act are hereby authorized to enter upon any land or water for the purpose of making surveys, examinations and investigations.

The commission shall have complete control of streets, highways and public places to the extent needed to prosecute its duties hereunder and as the purposes of this Act may require.

The commission shall proceed to construct the sewer and water system in such units as it shall determine in the manner as is provided by Sections 1477 and 1478 of the Revised Laws of Hawaii 1925.

SECTION 14. The City and County of Honolulu is hereby authorized to complete all projects now begun for the expansion of the sewer and water system of Honolulu which have reached a stage in advance of plans and specifications, but no new projects for the further expansion of either system shall be begun by the City and County of Honolulu without the written approval of the commission first obtained; provided, however, that nothing herein shall be construed to prevent the board of supervisors of the City and County of Honolulu to make any necessary expenditures for water and sewer system upon Queen or School Streets. The City and County of Honolulu shall cooperate with the commission but in any matter of disagreement the conclusion of the commission shall be final. The City and County of Honolulu, and its officials and employees, shall furnish such plans, maps, surveys, data and other records as may be required by the commission and shall allow the commission and its appointed representatives to have ready access thereto at all times.

The City and County of Honolulu shall increase its water rates to such extent as shall be required to provide for the necessary interest and sinking fund for the payment and redemption of all such bonds as shall be issued under this Act for the purpose of constructing the water system herein provided for, and all charges on its income as provided by Sections 1 to 7 inclusive on pages 1945 to 1947 inclusive of Volume II Revised Laws of Hawaii 1925, and to make the same self sustaining; provided, however, that nothing in this Act provided shall relieve the City and County of Honolulu of the obligations imposed by said Sections 1 to 7 of said pages 1945 to 1947 inclusive of said Volume II Revised Laws of Hawaii 1925. In determining the costs of constructing said water system, the commission shall allocate and apportion thereto so much of the general expense including overhead and incidentals as in its opinion shall be proper, and its decision in this regard shall be final.

SECTION 15. The provisions of this Act shall supersede all laws and parts of laws which otherwise would limit the power of the commission or result in hindering or delaying the commission in performing its duties and/or the early completion of the public works contemplated by this Act.

SECTION 16. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 151

[S. B. No. 198]

AN ACT TO AMEND SECTION 1 OF ACT 42 OF THE SESSION LAWS OF 1903 AS THAT SECTION WAS AMENDED BY ACT 89 OF THE SESSION LAWS OF 1911, BY ACT 134 OF THE SESSION LAWS OF 1913, BY ACT 228 OF THE SESSION LAWS OF 1917, BY ACT 207 OF THE SESSION LAWS OF 1919, BY ACT 12 OF THE SESSION LAWS OF 1921 AND BY ACT 80 OF THE SESSION LAWS OF 1923, PROVIDING FOR PUBLIC LOANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 42 of the Session Laws of 1903 as that section was amended by Act 89 of the Session Laws of 1911, by Act 134 of the Session Laws of 1913, by Act 228 of the Session Laws of 1917, by Act 207 of the Session Laws of 1919, by Act 12 of the Session Laws of 1921 and by Act 80 of the Session Laws of 1923, is hereby amended to read as follows:

"Section 1. The treasurer of the territory is hereby authorized and empowered, with the approval of the governor, to issue from time to time bonds of the Territory of Hawaii, with interest coupons attached thereto, to an amount not exceeding a total outstanding bonded debt of thirty million dollars (\$30,000,000.00), the principal and interest to be paid in gold coin of the United States of America, or its equivalent at its present standard of weight and fineness, in the manner, upon the terms and for the

purposes of this Act stated. It is provided, however, that any bonds hereafter issued under the provisions of Chapter 88 of the Revised Laws of Hawaii 1915, for the purpose of refunding authorized bonds shall not be computed as a part of the limit of bond issue herein provided for."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 152

[S. B. No. 229]

AN ACT TO AMEND SECTIONS 391 AND 398 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO FOREIGN LANGUAGE SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 391 of the Revised Laws of Hawaii 1925, is hereby amended by substituting for the first paragraph thereof the following:

"Section 391. Permits, fees. No foreign language school shall be conducted in the territory unless under a written permit therefor from the department of public instruction nor unless the fee therefor shall have been paid as hereinafter provided. Nor shall such permit be issued unless such fee shall have been paid. Such permit shall be kept exposed in a prominent place at such school so as to be readily seen and read by visitors thereat.

For the purposes of this chapter the school year shall be deemed to begin on September 1 of each year and to end on August 31 of the following year. After May 10, 1925, on or before the first day on which any foreign language school shall be conducted in any school year or unexpired part thereof, there shall be paid to the department for or in respect of conducting such school during such school year or unexpired part thereof a fee, the amount of which shall be computed as nearly as may be, at the rate of one

dollar (\$1.00) per pupil, on the estimated average attendance of pupils at such school during the period during which such school was conducted in the next preceding school year or, if such school shall not have been conducted during any part of such preceding school year, then at the same rate on the estimated expected average attendance during the school year or unexpired part thereof in question, in which latter case the amount shall be adjusted to conform to the estimated average attendance during such year or part thereof by an addition to or subtraction from the fee payable for the next following school year. The amount of such fee shall be estimated and determined by the department from such information as it may have and shall be payable by any person, persons or corporation conducting or participating in conducting such school. All officers, all teachers, and all members of any committee or governing board of any such school, and, in case such school is conducted by or for a corporation or a voluntary association or other group of persons, all members or associates or such corporations, association or group, shall be deemed to be participants in conducting such school. Payment heretofore made for any school for the school year beginning September 1, 1924, or any part thereof of the fee which was provided for in this section before the passage of this amendment shall be deemed to be in full satisfaction of the fee required hereunder for such school for such school year or the unexpired part thereof.

Rec. 65-1-6

In case any such school shall be conducted at any time without such fee having been paid for conducting the same, the territory may recover such fee in a civil action against any person, persons or corporation who or which so conducted or participated in so conducting such school, and for that purpose if such school is conducted, or if its conducting is participated in, by a corporation or a voluntary association, or other group of persons, such action may be brought against such corporation or association or group in its corporation or association or common name, with or without joining any or all individual defendants who may be liable for such fee, and, in a case of such association or group, process may be served on any officer or teacher, or on any member of a committee or governing board, or on any member or associate, of such school, association or group, and any judgment recovered against the corporation or association or group as such may be enforced against the property of the corporation or the joint property of the members or associates of such association or group, as the case may be, and against the individual property of any of the officers, teachers, members of any committee or governing board, or members or associates of such school, corporation, association or group, who shall have been served with process or who shall have appeared in the action, in the same manner and to the same extent as

if all had been named as defendants. The civil and penal remedies under this chapter shall be concurrent and not exclusive of each other. No injunction shall issue from, nor shall any suit be maintained in, any court for the purpose of restraining the determination or collection of any such fee or the prosecution of any penal proceeding for conducting or participating in conducting any such school without such fee having been paid; but any payor of any such fee who desires to contest the validity thereof may do so under the provisions of Section 1444, for which purpose the department shall be deemed a public accountant within the meaning of that section and Section 1436."

3 Act 6 135
SECTION 2. Section 398 of said Revised Laws is hereby amended so as to read as follows:

"Section 398. Penalties. Any person who shall conduct or participate in conducting a foreign language school, or who shall teach in a foreign language school, contrary to the provisions of this chapter, or who shall violate or participate in violating any of the provisions thereof or of the regulations or orders of the department, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed twenty-five dollars (\$25.00). Each day's violation of this chapter or of any of the provisions thereof shall be deemed a separate offense."

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 153

[S. B. No. 262]

190
AN ACT TO PROVIDE A SINKING FUND FOR BONDS OF THE CITY
AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sinking fund. The treasurer of the City and County of Honolulu is authorized, empowered and required to establish as a special deposit in the treasury of said city and county a sinking fund, with which to pay any present or future

bonded indebtedness of the city and county, and on the second interest paying date of any city and county bond issue hereafter made, and on the same date each year thereafter, until all of the bonds of such issue have been called in, he shall transfer from the current receipts of the city and county provided by law for such purpose or which may be set aside by the board of supervisors for such purpose and deposit to the credit of said sinking fund, such a sum of money that the aggregate of such sums of money so annually deposited with the interest thereon, will compounded annually at a rate of interest of four per centum amount at the expiration of the term for which said bonds are issued to the full face value thereof.

The treasurer of the City and County of Honolulu shall also deposit to the credit of said sinking fund, immediately upon the receipt thereof, all premiums received on the sale of city and county bonds.

Such sums deposited as aforesaid shall be used for the redemption or purchase of any outstanding bonds of the City and County of Honolulu and shall not be held exclusively for the redemption or payment of the bonds used as a basis for the annual deposits.

SECTION 2. The auditor of the City and County of Honolulu, shall open and keep in his books a separate and special account of this fund, which shall be known as the sinking fund account and which shall at all times show the exact condition thereof.

SECTION 3. All laws or parts of laws inconsistent herewith in so far as the City and County of Honolulu is concerned are hereby repealed.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 154

[S. B. No. 268]

AN ACT APPROPRIATING VARIOUS SUMS TO REIMBURSE CERTAIN PERSONS AND CORPORATIONS FOR INCOME TAXES IMPROPERLY COLLECTED.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated out of the general revenues of the Territory of Hawaii, the sum of twelve thousand eight hundred fourteen and 89/100 dollars (\$12,814.89), to be paid to the following named persons in the amounts set opposite their respective names, as reimbursements for income taxes improperly collected from them:

Oahu Railway & Land Company.....	\$6,500.00
Charles M. Cooke, Ltd.....	1,718.00
George R. Carter and wife.....	2,480.28
Helen S. Carter	22.86
James D. Dole	72.52
Elizabeth Bogardus	62.55
Vivian O. Dyer and wife.....	82.42
J. L. Robertson and wife	10.02
E. S. Smith	13.20
Gertrude S. Straub	920.78
Estate Annie S. Parke, Ltd.	435.50
Esther L. McCluskey	5.25
Jeannie L. McD. Lindsay	33.71
James Scott	3.00
Wm. Chalmers, Jr.	68.55
P. J. Bell	236.10
Jas. F. Morgan, Ltd.	117.70
J. L. Fleming	31.30
A. H. Rice	1.15
Total.....	\$12,814.89

SECTION 2. These respective amounts shall be paid by the treasurer of the territory upon warrants based upon vouchers approved by the treasurer of the territory.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 155

[S. B. No. 279]

AN ACT MAKING APPROPRIATION FOR THE BENEFIT OF JOHN D. McVEIGH AND W. J. GOODHUE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants issued by the auditor of the territory from and after the thirtieth day of June, 1925, the sum of four hundred seventy-five dollars (\$475.00) each month to John D. McVeigh, and the sum of three hundred dollars (\$300.00) each month to W. J. Goodhue, and to continue so to do for and during the remainder of their lives.

Such payments are hereby appropriated out of moneys received in the treasury of the Territory of Hawaii from the general revenues.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 156

[S. B. No. 284]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE THE SUM OF FIVE THOUSAND THREE HUNDRED SIXTY-TWO AND 50/100 DOLLARS (\$5,362.50) FOR THE PURPOSE OF REIMBURSING GEORGE E. MARSHALL FOR LOSSES SUSTAINED IN CARRYING OUT THE TERMS OF A CONTRACT ENTERED INTO WITH THE CITY AND COUNTY OF HONOLULU FOR THE SEWER OUTFALL, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate the

sum of five thousand three hundred sixty-two and 50/100 dollars (\$5,362.50) out of the general fund of the county for the purpose of reimbursing George E. Marshall for losses sustained in carrying out the terms of that certain contract entered into with the City and County of Honolulu on or about August 30, 1922 for the construction of the sewer outfall, City and County of Honolulu, Territory of Hawaii.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 157

[S. B. No. 106]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO MAKE AN APPROPRIATION FOR THE PURCHASE OF ADDITIONAL PROPERTY FOR THE PURPOSES OF THE SHELTER AND DETENTION HOME AND USE OF OFFICERS OF THE COURT OF DOMESTIC RELATIONS, FIRST JUDICIAL CIRCUIT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to purchase a certain parcel of land, situate at the corner of King and Piikoi Streets, Honolulu, being 21,372 square feet, known as the T. J. Nolan premises, for the purposes of the Shelter and Detention Home and use of the officers of the Court of Domestic Relations, First Judicial Circuit, and to appropriate and pay therefor, not more than the sum of twenty-two thousand five hundred and 00/100 dollars (\$22,500.00).

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 158

[S. B. No. 286]

AN ACT TO AMEND SECTION 2002 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MOTOR VEHICLES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2002 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2002. Definitions. The word 'chauffeur' when used herein shall mean any person who operates a motor vehicle. The phrase 'motor vehicle' shall include any vehicle propelled by steam, gasoline, electricity or other mechanical contrivance whether running on one, two or more wheels, excepting street cars, railway cars or other like conveyances running on rails and whether such conveyances are self-propelled or operated in trains. The word 'sheriff' shall refer to the sheriff of a county or city and county as the case may be.

Provided, however, that any chauffeur holding a license to operate a motorcycle or any vehicle of like description propelled by steam, gasoline, electricity or other mechanical contrivance shall not be permitted under such license to operate any automobile, motor-car or truck, nor shall any chauffeur holding a license to operate an automobile, motor-car or truck be permitted under such license to operate a motorcycle or any vehicle of like description propelled by steam, gasoline, electricity or other mechanical contrivance."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 159

[H. B. No. 125]

32 P. 58 AN ACT TO AMEND SECTION 1325 OF THE REVISED LAWS OF HA-
32 P. 124 WAIH 1925, RELATING TO PROPERTY EXEMPT FROM TAXATION,
BY AMENDING THE EIGHTEENTH PARAGRAPH THEREOF AND
BY ADDING THREE NEW PARAGRAPHS THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

27 P. 159 SECTION 1. Paragraph 18 of Section 1325 of the Revised Laws
of Hawaii 1925, is hereby amended to read as follows:

31 P. 284 "All property belonging to the Third Franciscan Order, situat-
ed on Liliha Street, Honolulu, used or to be used for hospital pur-
poses shall be exempted from taxation; provided, however, that
the said property shall be used for no other purposes than for
hospital purposes, and provided further that this exemption shall
expire on December 31, 1927, unless the property be actually used
for hospital purposes at that time."

P. 124 SECTION 2. Section 1325 of the Revised Laws of Hawaii 1925,
is hereby further amended by adding thereto three new para-
graphs to read as follows:

"The property belonging to the Evangelical Lutheran Church,
situated on Green Street, Honolulu, designated as the parsonage
and used as the residence for the pastor of said church; so long
as the same shall be used for the purpose of a parsonage or resi-
dence for the pastor of said church."

"The property of the Hawaiian Congregation of St. Andrews
Cathedral Parish, situated on Sierra Avenue, Kaimuki, and des-
ignated as a parsonage, and used as a residence for the pastor
of said church, so long as the same shall be used for the purpose
of a parsonage or residence of the pastor of said church."

"The property belonging to the Epiphany Mission located at
Kaimuki, designated as a parsonage and used as a residence for
the pastor of said church, so long as the same shall be used for
the purposes of a parsonage or residence for the pastor of said
church."

SECTION 3. This Act shall take effect from and after the date
of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 160

[H. B. No. 261]

AN ACT TO AMEND SECTION 1325 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1325 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto the following paragraph: L/30, P/28

"All property, both real and personal, belonging to and actually used by the Hawaiian Humane Society, including the Animal Home situate at the corner of Koula and Pohukaina Streets, Honolulu, Hawaii, shall be exempt from taxation." L/30 P/28

SECTION 2. This Act shall take effect upon its approval. L/32 P/24

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 161

[S. B. No. 190]

AN ACT TO PROVIDE FOR THE NUTRITION DEPARTMENT IN THE PUBLIC SCHOOLS FROM JULY 1, 1925 TO DECEMBER 31, 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues of the territory the sum of nine thousand nine hundred sixty and 00/100 dollars (\$9,960.00) for salaries, supplies, equipment, traveling and other expenses of the nutrition workers employed by the department of public instruction, to be disbursed on warrants issued by the auditor upon vouchers approved by the superintendent of public instruction, for the period from July 1, 1925 to December 31, 1925.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 162

[H. B. No. 173]

AN ACT TO AMEND SECTION 297 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

395- SECTION 1. Section 297 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 297. Principals, teachers. All public schools shall be presided over by qualified teachers; provided, however, that the department, in appointing teachers, shall, where the qualifications are equal, give preference to citizens of the Territory of Hawaii. If there shall be more than one teacher in any public school, one of them shall be designated by the department as principal; provided, however, that no teacher shall be designated by the department as principal of any school up to and including the eighth grade, unless said teacher shall have served as a teacher in the public schools of the Territory of Hawaii for a period of not less than three years."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 163

[H. B. No. 7]

AN ACT TO AMEND SECTION 4155 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SEDUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4155 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4155. Seduction: punishment. Whoever by conspiracy or by willful falsehood or deceit, or under promise of marriage, seduces, causes or procures any unmarried female to have

sexual intercourse, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment at hard labor not more than two years; provided, however, that in case the parties to such sexual intercourse subsequently legally intermarry together the above penalty shall not thereupon be inflicted."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 164

[H. B. No. 8]

AN ACT TO AMEND CHAPTER 176 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DESERTION AND NON-SUPPORT OF WIFE OR CHILDREN, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3016A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 176 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 3016A, and to read as follows:

"Section 3016A. Evidence. No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In no prosecution under this chapter shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent and compellable witnesses to testify against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children; provided that neither shall be compelled to give evidence incriminating himself or herself. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances, or of neglect or refusal to provide for the support and

maintenance of such wife, child or children, shall be prima facie evidence that such desertion, neglect or refusal is willful."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 165

[H. B. No. 11]

AN ACT AMENDING SECTION 178 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PAY OF LABORERS ON PUBLIC WORKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 178 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 178. Wages of laborers on public works. The daily pay for each working day of each laborer engaged in constructing or repairing roads, bridges or streets, water works or other works, either by contract or otherwise, for the Territory of Hawaii, or for any political subdivision thereof, shall not be less than two and 80/100 dollars (\$2.80)."

SECTION 2. This Act shall take effect from and after July 1, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 166

[H. B. No. 72]

AN ACT TO AMEND SECTION 2421 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PAY OF JURORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2421 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Section 2421. Amount. The pay of jurors in courts of record shall be, for actual attendance at court, and for the time necessarily occupied in going to and returning from the same, four dollars (\$4.00) a day during such attendance, and for the distance necessarily travelled from their residence in going to and returning from said court by the shortest practicable route, ten cents a mile; provided, however, that jurors residing ten miles or more from the court shall be paid four dollars (\$4.00) per day for each day that they shall report in person to the clerk of the court and for the distance necessarily travelled from their residence in going to and returning from said court by the shortest practicable route, twenty cents a mile.”

Am a 138/33

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 167

[H. B. No. 118]

AN ACT TO AMEND CHAPTER 178 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING FIVE NEW SECTIONS THERETO, TO BE KNOWN AS SECTIONS 3045A, 3045B, 3045C, 3045D AND 3045E, RELATING TO THE PUNISHMENT OF PERSONS RESPONSIBLE FOR, OR DIRECTLY PROMOTING OR CONTRIBUTING TO THE CONDITIONS THAT RENDER A CHILD DEPENDENT OR DELINQUENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 178 of the Revised Laws of Hawaii 1925, is hereby amended by adding five new sections thereto, to be

known as Sections 3045A, 3045B, 3045C, 3045D and 3045E, and to read as follows:

"Section 3045A. Any parent or parents, or legal guardian, or person having the custody of any dependent or delinquent child, as defined by the statutes of this territory, or any other person who shall knowingly or wilfully encourage, aid, cause, abet, or connive at such state of dependency or delinquency, or shall knowingly or wilfully do any act or acts that directly produce, promote or contribute to the conditions which render such child a dependent or delinquent child, as so defined, or who wilfully neglects to do that which will directly tend to prevent such state of dependency or delinquency, or conditions that make such, as aforesaid, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not more than one (1) year, or both such fine and imprisonment. Provided, that instead of imposing the punishment hereinbefore provided, the court shall have the power to enter an order suspending sentence and releasing the defendant from custody on probation, for the space of one year, upon his or her entering into a recognizance, with or without sureties, in such sums as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within a year, and shall provide and care for such dependent or delinquent child in such manner as to prevent a continuation or repetition of such state of dependency or delinquency or as otherwise may be directed by the court, and shall further comply with the terms of such order, then the recognizance shall be void, otherwise it shall remain in full force and effect. If the court be satisfied by information or due proof, under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith revoke such order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall, at the end of such year, be discharged and such conviction shall become void."

"Section 3045B. In trials under this Act, the person proceeded against shall have the right to a trial by jury which shall be granted as in other cases, unless waived. If the finding of the jury be against the person tried their verdict shall so state, in which event the court, in its discretion, may enter such judgment as to it seems needful in the premises."

P. 133 "Section 3045C. The Court of Domestic Relations in the First Judicial Circuit and the Juvenile Courts in the other judicial circuits shall have exclusive jurisdiction of all cases coming within the provision of this Act."

* "Section 3045D. This Act shall be liberally construed in favor of the territory for the purpose of the protection of the child from neglect, or omission of parental duty toward the child by its parents, and further to protect the child from the effects of the improper conduct or acts of any person which may cause, encourage or contribute to the dependency or delinquency of such child, although such person is in no way related to such child."

"Section 3045E. If any section of this Act shall be held to be invalid such fact shall not affect any other section of this Act, it being the intention of the legislature in enacting this Act to enact each section separately; and if any proviso or exception contained in any section of this Act shall be held to be invalid such fact shall not affect the remaining portion of said section, it being the intention of the legislature to enact each section of this Act and each proviso and exception thereto separate."

SECTION 2. This Act shall take effect from and after the date of its approval

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 168

[H. B. No. 207]

AN ACT PROVIDING PAYMENT TO THEO. H. DAVIES & Co., LTD., AND INTER-ISLAND STEAM NAVIGATION COMPANY FOR FURNISHING MATERIALS AND SUPPLIES TO THE COUNTY OF MAUI, FOR THE CONSTRUCTION OF BELT ROAD, KAILUA, TOWARDS KOPILIULA.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the territory is hereby authorized to draw two warrants upon the treasurer of the Territory of Hawaii, one in the sum of one thousand four hundred fifty-five and no/100 dollars (\$1455.00), payable to the order of Theo. H. Davies & Co., Ltd., and the other for the sum of one thousand two hundred forty-two and 50/100 dollars (\$1242.50), payable to the order of Inter-Island Steam Navigation Company, in payment

of materials and supplies furnished by said two companies to the County of Maui and used in construction work on the "Belt Road, Kailua, towards Kopiliula."

SECTION 2. The said sums shall be paid from Loan Funds allotted and now available for the project for which provision was made in item 36 of Act 214 of the Session Laws of 1923, the said item reading "Belt Road, Kailua towards Kopiliula, \$155,000.00."

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 169

[H. B. No. 215]

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES TO RESTORE THE CROWN OF KING DAVID KALAKAUA AND APPROPRIATING THREE HUNDRED AND FIFTY DOLLARS (\$350.00) TO MEET THE EXPENSE THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Commissioners of Public Archives is hereby authorized to have the crown, now in its possession and said to have been used in the coronation ceremonies of King David Kalakaua, reconstructed by using the metal, gems and materials now a part of such crown, together with such additional metals, synthetic gems and materials, as may be necessary, to restore such crown to its original condition or to as nearly its original condition as may be possible.

SECTION 2. When such crown has been restored, as in this Act provided, it shall remain the property of the Territory of Hawaii in the custody of the Board of Commissioners of Public Archives, but may be loaned by the Board of Commissioners of Public Archives to the trustees of the Bernice Pauahi Bishop Museum for display.

SECTION 3. Three hundred and fifty dollars (\$350.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to carry out the provisions of this Act.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 170

[H. B. No. 218]

AN ACT TO AMEND SECTION 1688 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DEPUTIES TO COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1688 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto the following: *Am. A. 198*

"Provided, that in case of any vacancy occurring in any county office for which a deputy has been duly appointed during the term for which the principal officer was elected, the deputy duly appointed shall have the power and perform the duties of said office until the successor of the principal officer is appointed and qualified."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 171

[H. B. No. 237]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF ANNIE K. HARRIS FOR TAXES ILLEGALLY COLLECTED FROM HER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate and pay to Annie K. Harris, the sum of ninety-six and 15/100 dollars (\$96.15) for taxes collected for the year 1924 on land previously sold to Lum Yum and Ah Su Lum Yum, and on which said Lum Yum and Ah Su Lum Yum also paid taxes for the year 1924; provided a voucher for the same is approved by the tax assessor of the first taxation division.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 172

[H. B. No. 256]

AN ACT APPROPRIATING VARIOUS SUMS TO REIMBURSE CERTAIN PERSONS AND CORPORATIONS FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated out of the General Fund of the Territory of Hawaii to be paid to the respective persons and corporations set opposite such sums, to reimburse them for taxes illegally collected:

Hawaiian Insurance Guaranty Company, Limited	\$1,123.85
D. M. Moncrief	27.04
E. M. Oliver	27.06
Jean R. Kenny	26.86

Annie C. Hustace	40.00
Janet T. Macintyre	478.14
Hawaiian Trust Company, Limited, Executor, Estate of James Armstrong, deceased.....	2,293.19
Edith E. Meier	584.68
Henry M. Mist	2,494.41
Charles Takahata	2.00
Chriss Bertelmann	2.00
Eddie Ah Nee	2.66

SECTION 2. These respective amounts shall be paid by the treasurer of the territory upon warrants issued by the auditor based upon vouchers approved by the treasurer of the territory.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 173

[H. B. No. 266]

AN ACT TO AMEND SECTION 2202 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PUBLIC UTILITIES COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2202 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2202. Regulate rates, etc.; appeals. All rates, fares, charges, classifications, rules and practices made, charged or observed by any public utility, or by two or more public utilities jointly, shall be just and reasonable and shall be fixed by order of the commission, and the commission shall have power, after a hearing upon its own motion, or upon complaint, and insofar as it is not prevented by the constitution or laws of the United States, by order to regulate, fix and change all such rates, fares, charges, classifications, rules and practices, so that the same shall be just and reasonable, and to prohibit rebates and unreasonable discrimination between localities, or between users or consumers under substantially similar conditions, to regulate the manner in which

Am 2/69/35

the property of every public utility is operated with reference to the safety and accommodation of the public, to prescribe its form and method of keeping accounts, books and records, and its accounting system, to regulate the return upon its public utility property, the incurring of indebtedness relating to its public utility business, and its financial transactions, and to do all things in addition which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable, and such as shall provide a fair return on the property of the utility actually used or useful for public utility purposes. From every order made by the commission under the provisions of this section on appeal shall lie to the Supreme Court of Hawaii in like manner as an appeal lies from an order or decision of a circuit judge at chambers. Such appeal shall not of itself stay the operation of the order appealed from, but the supreme court may stay the same after a hearing upon a motion therefor, upon such conditions as it may deem proper as to giving a bond and keeping the necessary accounts or otherwise in order to secure a restitution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained in whole or in part."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 174

[H. B. No. 277]

[Sic] AN ACT TO AMEND CHAPTER 203 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTIONS 3573, 3574, 3575 AND 3576, BY ADDING THERETO TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 3576A AND 3576B, RELATING TO THE REGISTRATION OF PRINTS, LABELS, TRADE MARKS AND TRADE NAMES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 203 of the Revised Laws of Hawaii 1925, relating to the registration of prints, labels and trade marks, is hereby amended to read as follows:

"Section 3573. Certificate to be obtained. Any person or firm or any corporation desiring to secure the exclusive use of any print, label or trade mark intended to be attached or applied to any goods or manufactured articles or to bottles, boxes or packages containing such goods or manufactured articles to indicate the name of the manufacturer, the contents of the packages, the quality of the goods or directions for use or a trade name, may obtain a certificate of the registration of such print, label, trade mark or trade name in the manner hereinafter provided."

"Section 3574. Application for certificate. Before any one shall receive a certificate of the registration of a print, label, trade mark, or trade name, he shall file in the office of the treasurer of the territory an application for the registration of such print, label, trade mark or trade name, with a declaration verified by the oath of the applicant; or, if the application be made by a firm or corporation, by the oath of a member of such firm, or an officer of such corporation, that he is or they are, the sole and original proprietor or proprietors, or the assign or assigns of such proprietor or proprietors of the print, label, trade name or trade mark or of the goods or manufactured articles, for which such print, label, trade name or trade mark is to be used and describing such goods and manufactured articles, and the manner in which such print, label, trade name or trade mark is to be used. Said application shall be accompanied by two exact copies of such print, label, trade mark or trade name."

"Section 3575. Fee. Upon filing such application, the applicant or applicants, shall pay to the treasurer a fee of five dollars (\$5.00)."

"Section 3576. Record. Issuance and effect of certificate. Upon receiving such application so accompanied, and the payment of such fee, the treasurer shall cause the said print, label, trade mark or trade name to be recorded in a book to be kept for that purpose and shall issue to the applicant or applicants, a certificate of registration under the seal of the treasury; and such certificate of registration shall secure to the applicant or applicants, the exclusive use of the said print, label, trade mark or trade name throughout the Territory of Hawaii for the term of twenty (20) years from the date thereof."

"Section 3576A. It shall be unlawful for any person, copartnership or corporation to adopt or use a print, label, trade mark or trade name which is identical with any registered print, label, trade mark or trade name or so similar as to be confused therewith; and the treasurer of the territory shall not register any such print, label, trade mark or trade name."

"Section 3576B. Penalty. Any person, copartnership or corporation proven guilty of using such identical or similar print, label,

trade mark or trade name as set forth in Section 3576A, shall be subject to a fine of not more than one thousand dollars (\$1000.00)."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 175

[H. B. No. 314]

AN ACT PROVIDING THAT NO SUPERVISOR OR OFFICER OF THE CITY AND COUNTY OF HONOLULU SHALL BE INTERESTED IN CONTRACTS OR SUPPLIES OR PROPERTY PAYMENT FOR WHICH IS MADE FROM THE CITY AND COUNTY TREASURY.

Be it Enacted by the Legislature of the Territory of Hawaii:

P 7 SECTION 1. Chapter 118 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 1839A, and to read as follows:

"Section 1839A. Officer not to be interested in contract. No supervisor and no officer appointed by and/or with the approval of the board of supervisors of the city and county, shall be or become directly or indirectly, interested in or in the performance of, any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the city and county, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city and county. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract, with, or work done for, the city and county, or any department or officer thereof, or in any franchise, right or privilege granted by the city and county, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred, and disqualified from being elected or appointed in the service of the city and county;

and all such contracts shall be void, and shall not be enforceable against the city and county."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 176

[H. B. No. 315]

AN ACT APPROPRIATING FUNDS FOR THE ACQUISITION AND IMPROVEMENT OF AN AIR PORT AND/OR LANDING FIELD ON THE ISLAND OF OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of forty-five thousand dollars (\$45,000.00) is hereby appropriated out of the general revenues of the territory for the acquisition, by purchase, condemnation or otherwise, and improvement, of a suitable air port and/or landing field on the Island of Oahu, within a reasonable distance of the City of Honolulu. Said amount shall be placed to the credit of a special fund to be known as the "Air Port and/or Landing Field Fund".

SECTION 2. The amount hereby appropriated shall be expended only after there has been raised, by private subscription, and paid into the treasury of the territory to the credit of the Air Port and/or Landing Field Fund, the sum of twenty thousand dollars (\$20,000.00), which shall become the property of the territory.

SECTION 3. The moneys of the "Air Port and/or Landing Field Fund" shall be expended, subject to the condition expressed in Section 2 hereof, upon warrants based upon vouchers approved by the Superintendent of Public Works, who shall have charge of the acquisition and improvement of said air port and/or landing field.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 177

[H. B. No. 355]

AN ACT FOR THE RELIEF OF MAX H. CARSON.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five hundred dollars (\$500.00) is hereby appropriated from the general revenues of the Territory of Hawaii for the purpose of paying Max H. Carson, Division of Hydrography, Department of Public Lands, the difference between his pay under his civil service rating of the Federal government of the United States for the period July 1, 1924, to and including June 30, 1925, and that paid him under the appropriation provided for department of public lands; the said Max H. Carson being an employee of the Federal government whose services are loaned to the department of public lands of the Territory of Hawaii.

Said sum of five hundred dollars (\$500.00) shall be paid by warrant drawn by the territorial auditor when the said Max H. Carson shall have signed and delivered to the said auditor his written release of all claims of every nature against the Territory of Hawaii for the said period, and not otherwise.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 178

[H. B. No. 448]

AN ACT TO AMEND CHAPTER 193 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TRUST COMPANIES BY ADDING THERE-TO THREE NEW SECTIONS TO BE KNOWN AS SECTIONS 3487A, 3487B AND 3487C, RELATING TO CREDITORS' CLAIMS AGAINST TRUST COMPANIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 193 of the Revised Laws of Hawaii 1925, is hereby amended by adding after Section 3487 of said Revised

Laws three new sections to be numbered Sections 3487A, 3487B and 3487C, and to read as follows:

"Section 3487A. The court having jurisdiction over such receiver shall make the necessary orders for and prescribe the length of time during which the receiver shall give notice to creditors of, and claimants against, such trust company.

"Section 3487B. Immediately after the appointment of any such receiver, he shall advertise in such newspaper or newspapers as the court shall direct, for as long as the court may order, at least once a week for four weeks, a notice to all creditors of and claimants against such trust company to present their claims with proper vouchers, or duly authenticated copies thereof, to him, either at his residence or place of business, within such time as said court shall direct, but within not less than six months from the first day of such publication and within seven days of the date of the first publication shall mail a like notice to every creditor whose address is known. And if such claims be not presented within such time as shall be directed by said court they shall be barred from any participation in the assets of said company, and the receiver shall not be authorized to pay them.

"Section 3487C. If any claim be rejected by the receiver he shall give written notice of such rejection to the creditor, or claimant, and suit must be brought upon it against the receiver within two months after such notice is given or within two months after the same becomes due, or it will be likewise barred from any participation in the assets of said company."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 179

[H. B. No. 463]

1/31, P. 51 AN ACT TO CREATE A DEPOSITORY FOR DOCUMENTS CONVEYING
REAL PROPERTY TO THE TERRITORY OF HAWAII OR ANY POLITICAL
SUBDIVISION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sic] SECTION 1. The office of the commissioners of public lands is
1/31, P. 57 hereby designated as a depository for all documents conveying real
property to the Territory of Hawaii or to any political subdivision
thereof.

SECTION 2. The officer in charge of any department of the Ter-
ritory of Hawaii or any department of any political subdivision
thereof, who is authorized to negotiate for the acquisition of real
property shall, within thirty (30) days after the execution of the
necessary documents involved, file with the commissioner of public
lands the documents conveying such real property, and such docu-
ments when filed, shall be accompanied by two blue print plans
of the property acquired.

SECTION 3. The officers designated in Section 2 hereof in whose
keeping are documents previously executed for acquisition of real
property, shall, within thirty (30) days from the approval of this
Act, file all such documents with the commissioner of public lands.

SECTION 4. All such documents shall be offered for record by
the commissioner of public lands and recorded by the registrar of
conveyances free of charge.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 180

[S. B. No. 42]

AN ACT TO AMEND SECTIONS 1306 AND 1309 OF THE REVISED
LAWS OF HAWAII 1925, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1306 of the Revised Laws of Hawaii 1925, L. 1925, 37
is hereby amended by adding thereto after the second paragraph
thereof a new paragraph reading as follows:

"Prior to the payment of the tax herein provided for, the treasurer, or his deputy, of the county or city and county, as the case may be, shall ascertain, in the case of an individual, the district in which the owner of the motor vehicle resides, and, in the case of a corporation, the district in which the motor vehicle is to be used principally."

SECTION 2. Section 1309 of the Revised Laws of Hawaii 1925, L. 1925, 235
is hereby amended to read as follows:

"Section 1309. Disposition of taxes so collected. All taxes paid in from each district under the provisions of Sections 1306, 1307 and 1308 shall be kept in a special account by the treasurer of the county or city and county to the credit of such district, and shall be expended only in making, maintaining and repairing public roads in such district, as authorized by the board of supervisors of the county or city and county from time to time. 179

The tax paid on a motor vehicle shall be deemed to be paid, in the case of an individual, from the district in which the owner of such motor vehicle resides, and, in the case of a corporation, from the district in which the motor vehicle is to be used principally."

SECTION 3. This Act shall take effect January 1, 1926.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 181

[S. B. No. 49]

See L. 1925
0271 1
122 P. 112

AN ACT TO AMEND SECTION 171 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO GOVERNMENTAL EMPLOYMENT OF CITIZENS OR OF PERSONS ELIGIBLE TO BECOME CITIZENS, BY ADDING THERETO A NEW PROVISIO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 171 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new proviso reading as follows:

"And provided further that the prohibitions in this section provided for shall not apply to any female person who, having been a citizen, has lost her citizenship through marriage to an alien".

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 182

[S. B. No. 78]

AN ACT TO AMEND SECTIONS 1, 2, 3 AND 4 OF ACT 214 OF THE SESSION LAWS OF 1923 PROVIDING FOR PUBLIC IMPROVEMENTS.

, P. 10

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1, 2, 3 and 4 of Act 214 of the Session Laws of 1923 providing for public improvements are hereby amended so as to read as follows:

"Section 1. The following sums are hereby appropriated for the following purposes out of any available moneys now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated.

TERRITORIAL IMPROVEMENTS

WHARF AND HARBOR IMPROVEMENTS

(To be expended under the direction of the board of harbor commissioners).

OAHU:

1. Construction of pier 11 and shed.....\$285,000.00
2. Wharf and dredging Kewalo Basin 135,000.00
3. Concrete slab, rear of pier 2..... 60,000.00

HAWAII.

4. Reconstruction of Kuhio Wharf, in concrete..... 350,000.00

MAUI:

6. Wharf and harbor improvements, including approach, Kahului 235,000.00

MOLOKAI:

8. New wharf, dredging and purchase of present approach, Kaunakakai 175,000.00

KAUAI:

9. Nawiliwili Wharf and harbor improvements including condemnation of lands 100,000.00

NEW BUILDINGS AND OTHER IMPROVEMENTS.

10. Insane Asylum 25,000.00
11. Territorial department building 250,000.00
12. New buildings, including equipment, University of Hawaii 180,000.00
13. Continuation of Volcano Road 250,000.00
 From end of present unit under contract toward Volcano as far as funds may permit; to be constructed of bituminous concrete of a standard type, the grade and the line of the present road to be altered as little as is compatible with good construction, to the end that the present road bed be utilized as a base for the new pavement.

Section 2. The following sums are also hereby appropriated for the following purposes out of any available money now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated; provided that the sums specified in items 14 to 48, both inclusive,

shall be expended by the boards of supervisors of the respective counties or city and county, in accordance with plans and specifications prepared by the engineer of such county or city and county, subject to the provisions of Section 4 hereof.

Construction, relocation and reconstruction of belt roads and bridges; installation of water works, extensions of pipe lines and completion of reservoir; construction and equipment of hospitals; purchase of parks and playgrounds:

COUNTY OF HAWAII:

14.	Hilo Memorial Hospital and equipment (additional amount)	70,000.00
15.	Belt road, Honokaa toward Waimea	100,000.00
16a.	Road, North Kohala, from Mahukona toward Puuhue	50,000.00
17.	Reservoirs, pipe lines and extensions	100,000.00
18.	Concrete bridges and approaches	20,000.00
20.	Belt road, South Kona toward North Kona	50,000.00
21.	Belt road, North Kona, beginning at the south end of macadam road in Holualoa and running towards Kealakekua	50,000.00
22.	Hospital, Waiohinu, Kau	30,000.00
24.	Belt road, Kau, beginning at Kaalaiki and running toward Pahala	60,000.00
26.	Waiolama flood protection	1,000.00

Should this Waiolama flood protection project be done with funds from other sources before the bonds therefor are sold, the funds received from the sale of bonds for said purpose or so much thereof as may be necessary shall be repaid into the fund from which said moneys are drawn whether territorial, county or otherwise, provided that all expenditures under this item shall be in accordance with the plans and specifications to be prepared by the county engineer, and approved by the superintendent of public works.

CITY AND COUNTY OF HONOLULU:

27.	Kamehameha Highway	700,000.00
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From Waiahole bridge toward Haleiwa; provided that the construction of said highway need not be continuous; that such construction may be wholly or in part of Portland cement, concrete, or bituminous concrete of a standard type; that the grade and line of the present road be altered by

little as is compatible with good construction to the end that the present road bed be utilized as a base for the new pavement; that all widening of the right-of-way, where practicable, shall be on the mauka side; and provided further that the alignment of the highway shall be carried approximately along the rear of Kaaawa Park and thence as directly as good engineering permits to the existing roadway on either side of Kaaawa Park, in accordance with the plans and specifications to be prepared by the city and county engineer, and approved by the superintendent of public works.

28.	Road to and through Waimanalo Beach lots.....	100,000.00
29.	Road to and through Kailua Beach lots.....	100,000.00
30.	Waianae Road, beginning at the present intersection of the Waianae and Honouliuli Road and building toward Waianae; said road to be constructed on Telford base with any asphaltic surface (provided that said construction need not be continuous, but that said sum may be expended on such portion of said road as the board of supervisors may deem advisable).	220,000.00
32.	Water works, pipe and water development, Waianae District, in addition to amount appropriated by Act 231, Session Laws 1921.....	30,000.00
33.	Water works and pipe line, Waialeale Homesteads, Ewa	5,000.00
34.	Acquisition, Pauoa Park	20,000.00

COUNTY OF MAUI:

36.	Belt road, Kailua towards Kopiliula	186,800.00
38.	Water works, Hana	68,000.00
39.	Water works, Halawa, Molokai	6,000.00
41.	Construction of Kahakuloa Road	15,000.00

COUNTY OF KAUAI:

42.	Water works, Kalaheo	30,000.00
43.	Water works, Waimea	35,000.00
44.	Macadamizing Haena Road extension	15,000.00
45.	Macadamizing Omao Road	35,000.00
46.	Water works, Hanalei	5,000.00
47.	Water works, Koloa	20,000.00
48.	Water works, Kekaha	10,000.00

Total amount.....\$4,176,800.00

In case the amount specified in any item of this section shall not be wholly required to complete the work on such item, the unrequired balance may, after completion of said item, be expended for the work specified in any of the other items for the same county or city and county.

Section 3. Each county or city and county shall pay to the territory, on the interest dates of any bonds that may be issued by the territory, the proceeds of which shall have been expended for such of the projects referred to in said items 14 to 48, both inclusive, as shall have been expended in such county or city and county, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds, and also such sums annually on the second interest date and the same date each year thereafter, during the term for which such bonds shall have been issued, whether afterwards refunded or not, that the aggregate of such sums annually paid will, compounded annually at such rate of interest, equal at the expiration of such terms, such par value; and the auditor of the territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of such county or city and county, such amounts when due as are required by this section, to be paid by such county or city and county, and proper receipts shall thereupon be exchanged between the treasurers of the territory and of such county, or city and county; provided, however, that such county or city and county may, at the option of its board of supervisors, pay on account of such bonds on any such interest date, any additional sum, and when the accrued values of all sums other than interest, paid on account of such bonds, shall equal the par value of such bonds, all the obligations of said county or city and county in respect of such bonds, principal and interest, shall be discharged. Every such additional sum so paid shall be deposited to the credit of the sinking fund provided for in Volume II of the Revised Laws of Hawaii 1925, pages 1942 and 1943, as set forth in Section 1 appearing on said pages, in addition to the amount required to be deposited by said section.

Section 4. No moneys shall be expended under items 14 to 48, both inclusive, except as to items 14, 22 and 34 of this Act, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of any sewerage system, water works, road or roads intended to be paid for in whole or in part with moneys provided by said items shall first be passed upon and approved by the superintendent of public works. Before approving said methods, materials, plans and specifications, said superintendent shall inspect the locality in which the said work is

proposed to be done and shall familiarize himself with the local conditions affecting the said proposed work."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 183

[S B. No. 93]

AN ACT TO PROVIDE FOR THE INSTALLATION OF A WATER SYSTEM
FOR THE VILLAGE OF WAIPAHU, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized, empowered and directed to appropriate and expend out of its general and/or permanent improvement fund, so much money as shall be necessary for the purpose of acquiring and developing a sufficient water supply and for the purpose of installing an adequate water system for the village of Waipahu, in said city and county, and the said board of supervisors is directed to install such a system as soon as may be.

SECTION 2. Any moneys spent for the purposes of Section 1 hereof, may, by the said board of supervisors, be repaid to the fund or funds from which the same are taken from the proceeds of the sales of any municipal bonds that may be hereafter issued and sold by the City and County of Honolulu for that purpose.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 184

[S. B. No. 110]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF RIPLEY AND DAVIS FOR PLANS AND SPECIFICATIONS FOR ALTERATIONS AND ADDITIONS TO THE OLD MCKINLEY HIGH SCHOOL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to make an appropriation in the sum of four thousand six hundred twenty-six and 84/100 dollars (\$4,626.84) from the general fund of the City and County of Honolulu, and is authorized and directed to pay the said sum of four thousand six hundred twenty-six and 84/100 dollars (\$4,626.84) to the said Ripley and Davis, for work done in drawing plans and specifications for alterations and additions to the old McKinley High School, during the year 1919.

Upon the making of such appropriation, the auditor of the City and County of Honolulu is authorized and directed to draw his warrant on the treasurer of the City and County of Honolulu for the sum of four thousand six hundred twenty-six and 84/100 dollars (\$4,626.84) in favor of the said Ripley and Davis.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 185

[S. B. No. 191]

AN ACT TO PROVIDE ADDITIONAL TAXATION FOR THE COUNTY OF HAWAII FOR THE MAINTENANCE OF PARKS, HOSPITALS, AND TO MEET A DEFICIENCY IN THE GENERAL FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the third taxation division shall increase the tax rate on real and personal property in said taxation division for the year 1925, in addition to the rate provided for by all other laws, to an extent sufficient to provide the sum of one hundred thousand dollars (\$100,000.00) which amount, when collected, shall be paid over by the treasurer of the Territory of Hawaii, to the treasurer of the County of Hawaii, to be credited by the latter to the following funds in the following amounts:

Maintenance of hospitals	\$40,000.00
Maintenance of parks	30,000.00
General fund	30,000.00

SECTION 2. The tax assessor of the third division shall increase the tax rate on real and personal property in said taxation division for the year 1926, in addition to the rate provided for by all other laws, to an extent sufficient to provide the sum of fifty thousand dollars (\$50,000.00) which amount, when collected, shall be paid over by the treasurer of the Territory of Hawaii to the treasurer of the County of Hawaii, to be credited by the latter to the following funds in the following amounts:

Maintenance of hospitals	\$40,000.00
Maintenance of parks	10,000.00

SECTION 3. All moneys made available by this Act shall from time to time be appropriated by, and expended under the direction of, the board of supervisors of the County of Hawaii, for the purposes for which they are made available.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 186

[S. B. No. 263]

AN ACT TO AMEND SECTION 3102 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE GRANTING OF LICENSE TO GUARDIANS TO SELL REAL ESTATE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3102. Granted by circuit judge. The license in either of the cases aforesaid may be granted by any circuit judge of the circuit in which any of the estate to be sold lies, or by the circuit judge having jurisdiction over the appointment of such guardian."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 187

[S. B. No. 270]

AN ACT TO AMEND CHAPTER 107 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 1477 THEREOF.

2/11/33 Be it Enacted by the Legislature of the Territory of Hawaii:

5/3/33 SECTION 1. Chapter 107 of the Revised Laws of Hawaii 1925, is hereby amended by amending Section 1477 by adding at the end thereof a new paragraph to read as follows:

"Special or sub-contracts by any governmental agency for materials or supplies or purchases of materials or supplies made in furtherance of the contract referred to in the foregoing provisos, shall be subject to the requirement of public advertisement for sealed tenders in the manner provided by law."

SECTION 2. This Act shall take effect upon its approval.

P. 173 Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 188

[S. B. No. 288]

AN ACT PROHIBITING THE POSSESSION, SALE, OR OFFERING FOR SALE, OF ANY DRINK CONTAINING METHYL ALCOHOL, OR PREPARATION CONTAINING METHYL ALCOHOL INTENDED FOR INTERNAL USE BY MAN, AND PROVIDING A PENALTY FOR VIOLATING THE PROVISIONS OF THIS ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. No person, firm or corporation shall knowingly have in possession, sell, or offer for sale any drink which contains methyl alcohol (commonly called wood alcohol) or any preparation or mixture of any kind whatsoever, containing methyl alcohol, which shall be intended for internal use by man.

SECTION 2. Any person, firm or corporation violating the provisions of this Act, or any of them, shall be guilty of a felony and be punished by imprisonment at hard labor not more than ten years.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 189

[S. B. No. 289]

AN ACT TO AMEND SECTION 1376 REVISED LAWS OF HAWAII 1925, RELATING TO TAXES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subsection 5 of Section 1376 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Every alien departing from the Territory of Hawaii for any point without the jurisdiction of the territory shall, before being permitted to leave, produce and exhibit a certificate from a tax assessor indicating that taxes for the period of six years prior to and

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including the current period have been paid, which period for such taxpayer is hereby declared terminated at the end of the calendar month then last past.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 190

[S. B. No. 272]

AN ACT PROVIDING FOR THE ESCHEAT OF PERSONALTY AND THE PROCEDURE THEREON.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever the administrator or executor of an estate shall be unable to discover any living heirs or legatees of his decedent, he shall give notice to all heirs or legatees by publication in such newspaper or newspapers and for such time as the court may direct, but not less than once a week for three successive weeks, of the date of the hearing upon his final accounts and direct all claimants of a distributive share in the estate of his decedent, to appear and present their claims at such hearing or be forever barred.

It is provided, however, that such date of hearing shall be not less than ninety days after the first publication of said notice.

SECTION 2. Claimants to a distributive share in such estate either as heirs or legatees who shall fail to appear and present their claims at such hearing shall be forever barred of all rights in such estate.

SECTION 3. If no claims shall be presented at the hearing on such final accounts, or if such claims as may be allowed do not exhaust the personalty of the estate, any personal estate remaining after the settlement and approval of the final accounts of the administrator or executor, and the payment of such distributive shares as may be allowed by the court, shall escheat to the territory

and shall upon order of the court be transferred to the treasurer of the territory by said administrator or executor as a government realization.

SECTION 4. The treasurer shall cause to be sold at public auction, all such personalty as shall be transferred to him in conformity with Section 3 hereof, except cash or bonds of the territory, and shall treat the proceeds thereof as a government realization.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 191

[H. B. No. 423]

AN ACT TO AMEND CHAPTER 119 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTIONS 1851, 1852, 1853, 1854, 1856 AND 1857 THEREOF, RELATING TO HIGHWAYS AND OTHER IMPROVEMENTS IN THE DISTRICT OF HONOLULU, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1851 of Chapter 119 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1851. Method. Whenever in the opinion of the board of supervisors of the City and County of Honolulu it is desirable to establish, open, extend, widen or alter any street, alley or other highway, including sidewalks, in the District of Honolulu, except Moanalua, or to grade, pave, curb, or macadamize or otherwise improve the whole or any part of any existing public street, alley or other highway or sidewalks in the District of Honolulu, except Moanalua, including the construction of a storm drainage system, or otherwise improve the same to an extent exceeding maintenance and repair thereof, or to construct or improve a storm drainage system independently, such betterments or improvements shall be made and done under the provisions of Sections 1851 to 1873, inclusive, of this chapter; and the cost thereof, including the cost of acquiring any new land therefor, and the cost of any new land

therefor which may have been acquired by the City and County of Honolulu prior to the commencement of the proceedings for such betterments or improvements, shall be assessed against the land specially benefited, either on a frontage basis or according to area of the land within an improvement district or on both an area and frontage basis; and the City and County of Honolulu may issue and sell bonds to provide the funds for such improvements, which bonds shall be secured by such assessments as a lien upon the lands assessed; and for such purpose the board of supervisors is hereby vested with power and is hereby authorized to create, define and establish frontage improvements or improvement districts; all according to the provisions of Sections 1851 to 1873, inclusive, of this chapter.

And provided further that nothing herein shall prevent the city and county, through its proper officials, from compelling abutting property owners at their own expense to construct, maintain and repair sidewalks and curbs in front of the abutting property under any statute or ordinance now existing or hereafter to be promulgated." (L. 1913, c. 131, s. 1; R. L. 1915, s. 1793; am. L. 1915, c. 164, s. 1; am. L. 1917, c. 239, s. 1; am. L. 1919, c. 241, s. 1; am. L. 1920, c. 13, s. 1; am. L. 1923, c. 184, s. 1).

SECTION 2. Section 1852 of Chapter 119 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1852. Public land or land exempt from taxation, etc.; cost otherwise assessable against borne by municipality. Whenever any public land, or any land by law exempted from assessments of the character provided for in this Act, or exempted by law from payment of property taxes, forms part of any improvement district or fronts upon any street, alley, or other highway to be opened or improved or along which a storm drainage system is to be constructed or improved independently and would, if privately owned or not exempt from such assessment, be subject to assessment, the board shall, nevertheless, without assessing such public or exempted land for any part of the cost of such improvements, by general ordinance appropriate and pay toward such improvements out of general revenues the portion of the cost thereof which would otherwise be assessable against the same; and with respect to any such proposed improvement where any part of the cost is thus to be borne by the city and county, the board shall have the same right of approval or protest as though the city and county were the private owner of the public or exempted land so involved. And, as to such expenditures for public and exempt lands the City and County of Honolulu shall be entitled to be reimbursed out of territorial revenues by appropriations to be made from time to time by the legislature of the Territory of Hawaii to the extent of fifty per centum (50%) of all assessments regularly

apportioned against religious, charitable, private, educational and other eleemosynary societies or associations, which are a part of any improvement district or frontage improvement and are exempted by law from the payment of property taxes and such assessments; and said city and county shall be entitled to be likewise reimbursed for the full amount of assessments regularly apportioned against public lands which are a part of any improvement district or frontage improvement, which public lands are owned in fee simple by the United States of America, or by the Territory of Hawaii, and which are not set aside for schools maintained by the City and County of Honolulu, or for city parks, or for street areas or frontages; provided, however, that as to the Normal School, College of Hawaii, Kapiolani Park and the Waikiki parks established by the laws of 1903, Chapter 103, Section 1, the city and county shall be entitled to full reimbursement for improvement assessments. Nothing herein shall be taken to prejudice any rights of the Territory to reimbursement from the United States of America for assessments herein assumed by the territory, but the latter shall be subrogated to the rights of the City and County of Honolulu on such assessments so assumed." (L. 1919, c. 241, pt. of s. 2).

SECTION 3. Section 1853 of Chapter 119 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1853. Costs and assessments borne by municipality. The city and county shall pay out of general revenues, including any permanent improvement fund, and notwithstanding any limitation as to purpose placed on said fund, the entire cost of engineering, incidentals and inspection, shall also pay therefrom in case of frontage improvement the cost assessable against the frontage or frontages of any adjoining or cross street, or, in case of area improvement districts, the cost of improving the area common to both streets at the intersection of any cross street or one-half the area opposite the intersection of any adjoining street, and further shall also pay therefrom $33\frac{1}{3}$ per centum of the total cost of general improvements (excluding engineering, incidentals and inspection and cost of new curbing and sidewalks) upon or along all main or general thoroughfares, as hereinafter defined, and upon or along all other streets or highways, except where improvements are initiated under Section 1856. Provided that in the case of a main or general thoroughfare directly connecting the District of Honolulu with other portions of the City and County of Honolulu, it shall be lawful for the City and County of Honolulu to assume and pay out of the general revenues, including any improvement fund, all or any part of the cost of pavement in excess of twenty-six (26) feet in width. A main or general thoroughfare within the meaning hereof shall be any street or highway as is subjected to more than ordinary traffic and travel by the general public or

which serves as a generally necessary connecting thoroughfare between substantially different or naturally separated localities or sections of Honolulu.

And further, the board of supervisors whenever in its judgment, the interest of the city and county will be best served and to protect such city and county from claims for damages from surface waters, may provide for the collection and disposition of storm waters by proceeding independent of any other improvement, or may make such matter a part of any other improvement proceedings, and in either event, pay the whole or any part of the cost thereof out of general revenues, including any permanent improvement fund, or may assess the whole or any part of the cost thereof according to the benefits arising therefrom and in the manner provided for apportioning assessments for general improvements. And it shall be lawful for the City and County of Honolulu to assume and pay out of the general revenues, including any permanent improvement fund, all or any part of the cost of acquiring any new land required for any improvement under the provisions of this chapter." (L. 1919, c. 241, pt. of s. 2; am. L. 1920, c. 13, s. 2; am. L. 1923, c. 184, s. 2).

SECTION 4. Section 1854 of Chapter 119 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1854. Initial procedure. The board shall by resolution requiring not more than one reading for its adoption, direct the city and county engineer to investigate and report to said board preliminary data concerning the highway or highways or storm drainage system proposed to be opened, constructed or improved, the general character and extent of any improvement to be proposed, whether such improvement should be proposed on a frontage or an area basis, whether any new land will be necessary to be acquired, and the estimated cost thereof and the proportion of such cost which should be borne by the city and county, the material or materials recommended to meet the conditions of such improvement, the boundaries of the improvement to be proposed and any sub-districts or zones therein as to which different portions of the cost should be charged, the estimated cost of such improvement, the portions of such cost to be borne by the city and county, and the portions of such cost to be specifically assessed against the lands specially benefitted with the maximum unit of assessment to be made against the property to be assessed according to the method of assessment to be proposed, and to prepare and furnish all necessary preliminary surveys, maps, plans, drawings and other data, details and specifications for such improvements and any other matters or details intended to apply thereto. Such report, when so furnished and filed with the board,

[Sic]

shall not be acted upon until one week has elapsed from the date of the filing of the same.

Thereafter the board may, by resolution requiring one reading, for its adoption, propose the making of an improvement or improvements specifying the streets or storm drainage system to be opened, constructed or improved, the area, owner (so far as known) and general description and location of new land to be acquired (if any); the materials proposed to be used; the proposed method of assessment including the minimum number of installment payments to be proposed; the general boundaries of the district or frontage, sub-districts and zones to be assessed; the maximum estimated unit of assessment. Such resolution shall refer to and incorporate by reference such surveys, plans, maps and other data reported by the engineer as shall be approved by the board. Such resolution shall also fix a date of public hearing upon such proposed improvement, which date shall be not less than fifteen days after the first publication of notice thereof in a newspaper of general circulation in the District of Honolulu.

After the adoption of said resolution, the city and county clerk shall cause a notice of such public hearing to be published twice a week for two successive weeks (4 publications in all) in a newspaper of general circulation in the District of Honolulu, giving notice generally to all owners, lessees and occupants of land proposed to be assessed or acquired and to all others interested of the general details of the proposed improvement as adopted by the board and stating the time and place of public hearing and where the resolutions and reports and other data may be seen and examined prior to said hearing. Like notices shall be posted conspicuously at least ten days prior to said hearing approximately every 250 feet along the highway or highways proposed to be opened or improved. In case of a storm drainage system proposed to be constructed or improved independently like notices shall be posted conspicuously at various places within the area or along the frontage to be assessed. Affidavits of publication both in the newspaper and along the route of improvement respectively shall be filed with the board at the hearing." (L. 1913, c. 131, s. 2; R. L. 1915, s. 1794; am. L. 1915, c. 164, s. 2; am. L. 1917, c. 239, s. 2).

SECTION 5. Section 1856 of Chapter 119 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1856. Petition by Owners. If the owners of sixty per cent of the frontage upon any street, alley or highway designated by them as a proposed improvement district, shall file with the board of supervisors a petition duly acknowledged by such owners requesting the opening or improvement of any such street, alley or highway, or of the streets, alleys or highways in such proposed [Sic]

improvement district, or for the construction or improvement of a storm drainage system, together with the surveys, maps, plans and other preliminary data and estimates mentioned in Section 1854 in the case of a proceeding initiated by the board, the board shall thereupon proceed thereon in the same manner as though the plan for such improvements had been initiated on its own motion; and the cost of such preliminary surveys, maps and other data, if not in excess of the estimate therefor stated in such petition, shall be deemed part of the cost of the improvement. Provided, however, that upon such petition the board shall not have power to abandon such proceedings or make any change or modification of such plans or the details or specifications for the proposed improvements without the written and duly acknowledged consent of the owners of not less than sixty per cent of the frontage or area of the land to be assessed; except that the board may decline to acquiesce in or may modify any part of such plan which contemplates the payment by the city and county of any part of the cost of acquiring new land or of any part of the cost of improving any main or general thoroughfare, and in such event, if the owners of sixty per cent of the frontage or property to be assessed shall in writing acquiesce in any such change or modification, the board shall be bound to proceed with the plan as so modified." (L. 1913, c. 131, s. 4; R. L. 1915, s. 1796; am. L. 1915, c. 164, s. 4).

SECTION 6. Section 1857 of Chapter 119 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1857. Determination by supervisors. After the hearing provided in Section 1854 of this chapter, the board shall consider any protests, objections, or suggestions which may have been made or filed and whether sufficient valid protests have been filed to compel it to abandon any part or all of the proposed improvement. If the board still has jurisdiction to continue it shall then proceed, determine whether or not the proposed improvements shall be made as proposed, or made with modifications, and in the latter event modifications or changes, not substantially reducing the frontage or area to be assessed, and not increasing the maximum estimated unit of assessment, or lessening the unit cost per front foot or square foot may be made without again giving notice of a hearing as provided in Section 1854, provided, such modifications or changes shall not materially alter the general character or plan so advertised. If, after such initial or further advertisement and hearing when no changes are made which will require further advertisement or hearing, the board shall have determined to proceed with the improvements, it shall, by resolution requiring not more than one reading, for its adoption, create, define and establish the extent of the frontage improvement or the improvement district to be assessed, as the case may be, and define the kind, extent and

general details of the proposed improvements, describe each parcel of land to be acquired, if any, declare the part or proportion of the cost of the improvement which is to be borne by the city and county as aforesaid, the method of assessment, and the kind or kinds of materials to be used, and by such resolution further direct the city and county engineer to prepare a corrected map of the highway or highways to be improved showing the abutting lands, or of the improvement district showing the highways therein to be improved, or the storm drainage system to be constructed or improved, as the case may be, and showing the exact location of the improvements, together with final details, plans and specifications for the work; all in such form as will readily permit and encourage genuine competition between contractors insofar as the materials specified will permit of such competition; and the same, when by resolution similarly approved and adopted by the board, shall be used as the basis for the calling of bids and awarding of a contract or contracts for the work as hereinafter provided.

In case such improvements so determined upon shall require the acquisition of any new land therefor, the board of supervisors shall acquire the same before final award of the contract, either by deed, or other voluntary conveyance from the owners thereof, or it may, at its option, and in the name of the City and County of Honolulu cause condemnation proceedings to be brought to acquire the same in like manner as by law now or hereafter provided for like proceedings when brought by the superintendent of public works, and after the filing of the petition in such proceedings the final award of the contract may be made. If the cost of acquiring such land shall exceed the estimate therefor, the board may provide for such excess cost by general appropriation." (L. 1913, c. 131, s. 5; R. L. 1915, s. 1797; am. L. 1915, c. 164, s. 5; am. L. 1917, c. 239, s. 4).

SECTION 7. This Act shall take effect on approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 192

[S. B. No. 146]

AN ACT TO AMEND SECTIONS 1285, 1307, 1310, 1311, 1312, 1314, 1315, 1316, 1331, 1343, 1369, 1370, 1372, 1373, 1375, 1378, 1380 AND 1386 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TAXATION AND TO ADD TO THE REVISED LAWS OF HAWAII 1925, TWO SECTIONS TO BE KNOWN AS SECTIONS 1331A AND 1331B ALSO RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1285 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1285. Dates. All taxes shall be assessed as of, and be due and payable on and after January 1 in each year, except as otherwise provided by law.

All taxpayers shall make returns of their property and the value thereof between January 1 and January 31, both inclusive, in each year in such form as the treasurer of the territory may prescribe.

Of all taxes payable to the territory all the personal taxes and all the specific taxes and one-half, that is, the first installment, of all other property taxes remaining unpaid after June 20 of each year shall thereby and thereupon become delinquent.

The balance of the property taxes remaining unpaid after November 15 of each year shall thereby and thereupon become delinquent.

Notice of raise or disallowance of exemption claimed shall be mailed by the assessor to the taxpayer affected not later than April 10 of the year in which the assessment is made.

In order to be entitled to appeal, any person desirous and otherwise entitled to appeal from any assessment shall file a notice of appeal at any time from April 10 to April 30, both inclusive, of the year in which the assessment is made.

The assessment books shall be made up on or before May 1, and shall thereafter be open for inspection during business hours.

The tax appeal court shall commence to sit for the hearing of tax appeals during the month of July in each year.

Throughout each year, exclusive of Sundays and legal holidays, and during usual business hours, each assessor and/or his deputy shall attend an advertised place in his respective taxation division for the collection of taxes, the advertisement to contain notice that taxes will be delinquent after June 20 and November 15.

During December of each year each assessor shall advertise for tax returns to be made during the following January."

SECTION 2. Section 1307 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1307. Carriage, etc., tax. All carriages, wagons, wagonettes, hearses, omnibuses, drays, carts and other vehicles not herein specified, drawn by horses or mules, and used for the conveyance of persons, freight or merchandise, shall be subject to an annual tax of five dollars each, to be paid by the owners thereof. All brakes and sulkeys shall be subject to an annual tax of two dollars each, to be paid by the owners thereof; all ox-carts shall be subject to an annual tax of five dollars each, to be paid by the owners thereof. *Am. A. 14*

The taxes named in this section shall be paid to the treasurer or his deputy of the county or city and county as the case may be, and shall become due and payable on the 1st day of January and shall be delinquent on the 1st day of March of each year, and the moneys collected shall be paid into the general fund of such county or city and county, to be expended as by Section 1309 provided. Upon the receipt of such tax, the treasurer or his deputy shall number and register each vehicle for which the tax is paid in the owner's name and shall furnish the owner with a metallic tag for each vehicle with number and year marked thereon, charging therefor the sum of fifty cents, which tag the owner shall affix to the vehicle. The metallic tag shall be in such form as the treasurer of the county or city and county shall from time to time prescribe. It shall be the duty of the supervisors of the several counties or of the city and county to purchase a sufficient number of such tags for use in such county or city and county. The high sheriff of the territory or his deputy, the sheriffs of the several counties and of the city and county, their deputies, the treasurers and any person authoritatively acting on behalf of any treasurer of the several counties, or of the city and county, and all members of the police force are directed to seize every such vehicle liable to taxation and not tagged as required by this section, and to hold the same for a period of ten days, during which time it shall be subject to redemption by its owner on payment of the tax due and a penalty of fifty cents. All vehicles not so redeemed shall be sold by the high sheriff or his deputy, such sheriffs or such treasurer, at public auction after first giving thirty days' public notice of the time and place of such sale by advertisement in a newspaper and by posting such notices in at least three public places in the district where such sale is to be held; such sale shall be made for the best price obtainable, which amount shall be forthwith paid over to the treasurer or his deputy, accompanied by a statement containing a description of each vehicle, their makes and any other marks of identification; the treasurer or his deputy shall, thereupon, after deducting from the amount so received, the amount of the tax and penalty due and cost of advertising and of the notice, pay over to the former owner of such vehicles any surplus there may be if

it is possible to ascertain who such former owner is, but if at the expiration of ninety days such former owners remain unknown, such surplus shall be paid into the treasury of the county or city and county as a government realization, and all claims to such sums shall be forever barred."

SECTION 3. Section 1310 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1310. False tag; misdemeanor. Any person who shall use a tag not furnished in accordance with the provisions of Section 1307 or Section 1308, or shall use any tag described in either of said sections for two consecutive years, or who shall counterfeit any such tag or who shall fraudulently remove such a tag from any bicycle or any such vehicle, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00)."

SECTION 4. Section 1311 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1311. Dog tax. All animals, male or female, of the dog kind shall be subject to an annual tax of one dollar each, to be paid by the owner thereof to the treasurer or his deputy of the county or city and county as the case may be and shall be delinquent on the 1st day of March of each year, and the moneys shall be paid into the general fund of such county or city and county. Any person having the custody or possession of, or who shall harbor any dog, male or female, shall be deemed the owner thereof under the provisions of this chapter."

SECTION 5. Section 1312 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1312. Dog tags. Upon receipt of said tax such treasurer or his deputy shall number and register the same to the owner, and shall also furnish the owner with a metallic tag for each dog with the number and year marked thereon, charging therefor the sum of ten cents, which tag the owner shall attach to the neck of the dog by a collar."

SECTION 6. Section 1314 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1314. Seizure of dogs without tags. It shall be unlawful for any dog that is liable to taxation under the provisions of this chapter, to run at large without a collar and tag as in this chapter provided, and the high sheriff and sheriffs, their several deputies, and every member of the police force of the several divisions or districts of the territory, are directed to seize every dog not wearing a tag, and to confine it in a suitable enclosure for two

days, during which time it shall be subject to redemption by its owner by payment of the tax due, if any, and a penalty of fifty cents. All dogs not so redeemed within two days shall be sold by the high sheriff or sheriff, for the amount of the tax and penalty due, or as much more as can be obtained therefor, and if not so sold shall be killed immediately. Of the money so received the amount of the tax shall be paid into the general fund of the county or city and county as the case may be, and the penalty of fifty cents shall be retained by the high sheriff or sheriffs, or their deputies, to defray the expense of collecting, keeping and feeding such dogs."

SECTION 7. Section 1315 of the Revised Laws of Hawaii 1925, is hereby amended by amending the first paragraph thereof to read as follows:

"Section 1315. General property taxes. Except as exempted or otherwise taxed, all real property and all personal property, within each taxation division, shall be subject to a tax each year of such rate per cent upon the full cash value thereof as shall be fixed and determined for that year in the following manner and generally for the following purposes:

1. County or city and county current expenses;
2. County or city and county permanent improvements;
3. Interest and sinking fund for general county or city and county bonds;
4. Interest and sinking fund for all territorial bonds issued for county or city and county purposes;
- 4A. Interest and sinking fund for all territorial bonds issued for territorial purposes;
5. Schools; special fund;
6. Schools; general fund;
7. School teachers' salaries;
8. Cost of assessing and collecting taxes;
9. Additional to general rate for purposes specified in specific legislative acts."

The said section 1315 is hereby further amended by adding a new paragraph to be inserted after the sixth paragraph thereof, and to read as follows:

"For subdivision 4A, the territorial treasurer in May of each year shall compute the necessary amount for that calendar year for interest and sinking funds for general territorial bonds issued for territorial purposes not otherwise provided for, which shall be apportioned between the several counties and city and county on the basis that the value of real and personal property of each county or city and county bears to the aggregate value of real and personal property in the territory, all as assessed for the pur-

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poses of this tax, calculations made as of May 10 of the current year, excluding, however, the property mentioned in the proviso of Section 1315."

The said Section 1315 is hereby further amended by amending the present eleventh paragraph thereof to read as follows:

"The territorial treasurer shall notify the assessors of the several taxation divisions of the amounts required to be collected by each of them in their respective districts under subdivisions 1, 2, 3, 4, 4A, 5, 6, 7, 8 and 9".

The said Section 1315 is hereby further amended by amending the last paragraph thereof to read as follows:

REF. "The sum of the rates finally estimated or determined for the purposes specified in said subdivisions 1 to 8 inclusive, above, plus any special rate or rates necessitated as aforesaid in subdivision 9 shall be the rate at which such property shall be taxed for that year under this section in the taxation division in which such county or city and county is included; and each tax assessor in and for his respective taxation division, with the approval of the territorial treasurer, shall publish the rate for his respective county or city and county segregating and showing the part of the rate required for the purposes of each of subdivisions 1 to 9 and the rate referred to in Section 1316, and shall print or stamp a digest of the same information on all receipts for taxes under this section; provided, however, that each tax assessor, instead of so printing or stamping, may, with the approval of the treasurer, have such digest printed or stamped on separate sheets of paper; and in such case shall furnish each taxpayer with such digest so separately printed or stamped at the time of delivery to the taxpayer of his receipt or receipts for taxes payable under this section. The amounts computed by the treasurer to be required for interest under subdivisions 4 and 4A of this section shall, immediately upon receipt thereof, be credited to the general fund of the territory, and said amounts are hereby appropriated from the general fund to the payment of interest as computed under those subdivisions."

162 SECTION 8. Section 1316 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

13 "Section 1316. Additional property tax. In the month of May of each even numbered year the territorial treasurer shall prepare, with the approval of the governor, an estimate of the amount of money, if any, required, in addition to all other moneys estimated to be available, for the purpose of meeting the estimated probable expenditures under territorial appropriations of general revenues until the 20th day of June of the following year, and also an estimate of the rate necessary to yield such amount, which rate, however, shall not exceed one-sixth of one per cent of

the value of all real and personal property, exclusive of that mentioned in the first proviso of Section 1315, as assessed for that year under Section 1315. Such property shall thereupon be subject to an additional tax at the rate so estimated for that year for the benefit of the territory, and all provisions of law relating to the assessment and collection of such general property tax shall be applicable so far as may be to the additional tax hereby authorized. The treasurer shall notify the several assessors of such rate in said month of May."

SECTION 9. Paragraph 2 of Section 1331 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Under this chapter the word 'home' shall include the entire homestead when the same is occupied by the taxpayer as such and shall also include houses where the owner sublets not more than one room to a tenant, and further where an agreement to purchase premises for a home has been duly entered into and recorded prior to January 1st of any year, whereby the purchaser agrees to pay all taxes while purchasing said premises. Further, the husband and wife shall not be permitted exemption of separate homes owned by each of them, unless they are living separate and apart in which case they shall be entitled to one exemption, to be apportioned between each of their homes in proportion to the value thereof. And further, no person living on premises, a portion of which is used as a store, shall be entitled to an exemption thereof."

SECTION 10. Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended by adding two new sections thereto to be known as Sections 1331A and 1331B, to read as follows:

"Section 1331A. Further exemption. When the combined real and personal property of any person, exclusive of property with respect to which specific taxes are payable, shall have a value of less than fifty dollars (\$50.00), such property shall not be assessed nor any taxes be paid with reference thereto."

"Section 1331B. Condition precedent to certain exemptions. None of the exemptions from taxation granted in Sections 1325, 1326, 1327, 1328, 1329, 1330, 1331 and 1331A shall be allowed in any case unless the claimant shall have made a return of property in the form prescribed for taxpayers, and shall have in such return claimed exemption from taxation."

SECTION 11. Section 1343 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1343. Unknown, non-resident owners. The taxable property of parties or persons unknown and for whom no return is made shall be assessed by the assessor to 'unknown owner' and may be levied upon for all unpaid taxes."

SECTION 12. Section 1369 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1369. When taxes payable. All poll, road, school and property taxes shall be due and payable on and after January 1 in each year."

SECTION 13. Section 1370 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1370. Delinquency. All personal taxes payable to the territory remaining unpaid after June 20 of each year shall thereby and thereupon become delinquent. All real and personal property taxes remaining unpaid after June 20 of each year shall thereby and thereupon become delinquent as to one-half of the amount due. And the balance of such real and personal property taxes remaining unpaid after November 15 of each year shall thereby and thereupon become delinquent."

SECTION 14. Section 1372 of the Revised Laws of Hawaii 1925, is hereby amended by amending the first paragraph thereof to read as follows:

"Every tax due upon property shall be a prior lien upon the property assessed, and every tax due upon improvements upon real property assessed to others than the owners of the real property, shall be a prior lien upon the improvements, which liens shall attach as of January 1 in each assessment year, and shall continue for six years or the lien enforced or foreclosed as by this chapter provided."

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232 SECTION 15. Section 1373 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1373. Sale of real property. All real property or any interest therein, and all improvements upon real property assessed to others than the owners of the real property, on which a lien for taxes shall exist, may be sold by way of foreclosure of such lien without suit by the tax assessor, at public auction to the highest bidder, for cash, to satisfy the lien, together with all interest, penalties, costs and expenses due or incurred on account of the tax, lien and sale, the surplus, if any, to be rendered to the person thereto entitled. The sale shall be held at any public place proper for sales on execution, after notice published at least once a week for at least four successive weeks immediately prior thereto in any newspaper of general circulation published in the city of Honolulu. Such notice shall also be posted for a like period in at least three conspicuous public places within the taxation division wherein the sale is to be held, one being at a post office and one being on such land. The notice of sale shall contain the name of the person assessed, or from whom the tax is

due, the character and amount of the tax, with interest, penalties, costs, expenses and charges accrued, a brief description of the property to be sold, and the time and place of sale, and shall warn the persons assessed or from whom the tax is due, that unless the tax, with all interest, penalties, costs, expenses and charges is paid before the time of sale appointed, the property advertised for sale will be sold as advertised.

The tax assessor, or his deputy shall, on payment of the purchase price, make, execute and deliver all proper conveyances necessary in the premises and the delivery of such conveyances shall vest in the purchaser the title to the property sold."

SECTION 16. Section 1378 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1378. Procedure upon distress. Distress of goods and chattels for taxes shall be effected by seizure and sale of the personal property of the delinquent taxpayer. The assessor or deputy assessor shall take possession of and keep such distrained property until the sale.

After taking possession, the assessor or deputy shall sell the property at public auction after first giving fifteen days' public notice of the time and place of such sale by advertisement in a newspaper, if one be published in the district, or by posting such notice in at least three public places in the district where such sale is to be held.

Such sale shall take place within twenty days after seizure except that one continuance may be held not to exceed one week.

Sufficient property shall be sold to pay all taxes, penalties, costs and charges.

On payment of the price bid for any property sold, the delivery thereof with a bill of sale from the assessor or his deputy shall vest the title of such property in the purchaser. No charge shall be made for such bill of sale. All surplus received upon any such sale after the payment of the taxes, penalties, costs and expenses, shall be returned to the owner of the property sold, and until claimed shall be deposited in the assessor's office subject to the order of the owner.

Any unsold portion of the property seized may be left at the place of sale at the risk of the owner.

If the owner of the property seized desires to retain or regain possession thereof, he may give a sufficient bond and surety to produce the property at the time and place of sale, or pay all taxes, interest and costs."

SECTION 17. Section 1380 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

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"Section 1380. Disposition of proceeds of personal and property taxes. All personal and property taxes collected under this chapter shall be paid into the territorial treasury at such times as the treasurer shall direct.

3 223 29. All personal taxes paid into the territorial treasury from each county or city and county, other than the County of Kalawao, except such as are payable to or retainable by the territory as provided by law, shall be paid within ten days after the same have been paid into the territorial treasury to the treasurer of such county or city and county within which the same were collected, and shall be expended only in making, maintaining and repairing public roads as authorized by the supervisors of the county or city and county from time to time.

Out of the property taxes (other than those specified in the proviso of Section 1315, as being for the sole benefit of the territory) paid into the territorial treasury from each county or city and county, the treasurer shall retain from time to time in a special account sufficient for the purposes specified in Subdivisions 4, 4A, 6, 7 and 8 of Section 1315 and also for the purposes specified in any legislative Act or Acts, providing for funds to be raised by property taxes for the benefit of the territory or territorial purposes, and shall pay the balance thereof to the treasurer of the county or city and county within ten days after the same have been paid into the territorial treasury for the purposes specified in Subdivisions 1, 2, 3 and 5 of said section. The county or city and county treasurer shall, from time to time, allot from such balance sufficient for the purposes specified in said Subdivisions 2, 3 and 5, respectively, and shall keep such allotments in special accounts for use for such purposes only and shall under no circumstances allow any part thereof to be used for any other purpose, nor shall the territorial treasurer allow any moneys so retained for the purposes specified in Subdivisions 4, 4A, 6 and 7 to be used for any other purpose; provided, that if at any time there shall be insufficient money in the special account for the purposes specified in Subdivisions 2, 3 and 5, or 4, 4A, 6 and 7 respectively, moneys in the general account of the county, city and county or territory, as the case may be, may be used for such purposes, in which cases such general account may afterwards be reimbursed by transfers from such special account.

All such payments by the territorial treasurer shall be made upon warrants issued by the territorial auditor.

189 In January of each year the territorial auditor and territorial treasurer shall prepare and transmit to the treasurer of each county and city and county a joint statement showing the amount of (1) unpaid taxes of the last preceding year only; (2) taxes collected during the last preceding year of taxes delinquent for any year except the last preceding year; and (3) taxes collected

during the last preceding year by virtue of the settlement of tax appeals taken during (a) the last preceding year and (b) all other years. The territorial treasurer shall retain all funds collected on account of real and personal property taxes from any county or city and county during any calendar year in excess of the amounts to satisfy the requirements of such respective counties or city and county for any calendar year as set forth in the tax rate calculations for such calendar year and apply the same to satisfy the requirements of such county or city and county for the next following year and thereby reduce the tax rate of such county or city and county for said next following year. Should any deficiency be found caused by non-collection of taxes in any one calendar year in satisfying such requirements, an additional amount shall be added to the calculations of the tax rate for the said next following year to cover such deficiency by the method set forth in Section 1315." [Sic]

SECTION 18. Section 1386 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1386. Neglect of duty, etc., misdemeanor. All assessors and deputy assessors, treasurers of counties or of the city and county and all police officers on whom duties are imposed under the provisions of this chapter, who shall wilfully fail or refuse or neglect to faithfully perform any duty or duties of them required by the provisions of this chapter shall be deemed guilty of a misdemeanor."

SECTION 19. This Act shall become effective on and after January 1, 1926.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 193

[S. B. No. 13]

AN ACT TO AMEND SECTIONS 763, 764 AND 765 OF THE REVISED LAWS OF HAWAII 1925, PROVIDING FOR A CLOSED SEASON ON MULLET.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 763 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 763. It shall be unlawful for any person, firm or corporation to wilfully fish for, or attempt to take by any means whatsoever, from any of the waters within the jurisdiction of the Territory of Hawaii, or to sell, offer for sale, or have in possession any mullet, known as amaama, or anaeholo during the months of December, January or February; provided, however, that any owner or operator of a fish pond, can lawfully catch the young mullet, known as pua, during the closed season, for the purpose of stocking his or her pond; and provided further, that any owner or operator of a fish pond or any dealer may lawfully sell pond raised mullet during the said closed season after first procuring a license granting this privilege.

Licenses to sell pond raised mullet shall be issued by the fish and game commission upon the payment of five dollars (\$5.00) which money shall be turned over to the treasurers of the county or city and county in which the licensee operates.

All licenses shall expire on June 30th of each year.

Any licensee who sells or offers for sale or has in his possession any sea mullet shall, on conviction, forfeit his license to sell mullet during the closed season."

SECTION 2. Section 764 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 764. Any person, firm or corporation violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than 100 days, or by both fine and imprisonment."

SECTION 3. Section 765 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 765. One-half of all moneys collected in fines imposed under this Act shall be turned over to the person or persons assisting in the arrest and conviction of the violator."

SECTION 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 5. This Act shall take effect on July 1, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 194

[S. B. No. 47]

AN ACT TO REGULATE COLD STORAGE AND LABELING OF FOOD-STUFFS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The term "cold storage" as used in this Act shall be construed to mean a place artificially cooled in a temperature of forty degrees fahrenheit or below but shall not include such a place in a private home, hotel, restaurant, or exclusively retail establishment not storing articles of food for other persons. The term "cold stored" as used in this Act shall be construed to mean the keeping of "articles of food" in "cold storage" for a period exceeding thirty days from the date of placing same in any cold storage or refrigerating warehouse. The term "storer" as used in this Act shall be construed to mean the person or persons who offer articles of food for cold storage. The term "operator" as used in this Act shall be construed to mean any person or persons operating a cold storage.

SECTION 2. Every cold storage, or refrigerating warehouse wherein are stored articles of food, shall be properly located, constructed, equipped for the business of cold storage and kept in a sanitary condition as prescribed by the territorial board of health regulations.

SECTION 3. It shall be the duty of every operator and/or storer to keep an accurate record of the receipts and the withdrawals with reference to cold storage of all articles of food within his possession and control. Every operator shall also keep an accurate record of storers having exclusive possession of a portion of his cold storage.

The board of health or its agents, shall have free access to these records at any time.

SECTION 4. No storer or operator shall place in cold storage any article of food if diseased, tainted or deteriorated so as to injure its keeping qualities or if not properly slaughtered, handled and prepared for storage; provided, however, that the provisions of this section shall not apply to bait to be used for fishing purposes. All such bait shall be stored in rooms specially set aside for such purposes.

SECTION 5. All articles of food when deposited in cold storage shall be marked plainly on or in connection with the containers in which they are packed or on the individual article, with the date of receipt, and, when removed from cold storage, shall be marked with date of withdrawal, in accordance with such forms as may be prescribed by the territorial board of health.

SECTION 6. No person, firm or corporation having control as storers shall keep in cold storage any articles of food for a longer period than twelve calendar months, except with the consent of the territorial board of health, as hereinafter provided. The territorial board of health shall, upon application, grant permission to extend the period of storage beyond twelve months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of twelve months. The length of time for which storage is allowed shall be specified in the order granting permission.

SECTION 7. It shall be unlawful for any storer or operator to return to cold storage any article of food that has once been released from such storage and placed on the market for sale to consumers, but nothing in this section shall be construed to prevent the transfer of goods from one cold storage or refrigerating warehouse to another; provided, that such transfer is not made for the purpose of evading any provision of this Act.

SECTION 8. It shall be unlawful to sell, or to offer for sale uncooked articles of food, which have been cold stored without notifying persons purchasing, or intending to purchase, the same that they have been kept in cold storage by the display, in the conspicuous place and upon the articles of food of a sign marked, "These are cold stored goods", in large, plain type; and it shall be unlawful to represent or advertise as fresh goods, articles of food which have been placed in cold storage.

SECTION 9. Any person, firm or corporation violating any of the provisions of this Act shall upon conviction be punished by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each offense.

SECTION 10. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 195

[S. B. No. 123]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTIONS 1974 AND 1977 AS THEREIN CONTAINED AND ADDING THERETO TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 1974A AND 1974B, RELATING TO PUBLIC AUCTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 125 of the Revised Laws of Hawaii 1925, is hereby amended by amending Sections 1974 and 1977, as therein contained, and by adding thereto two new sections to be known as Sections 1974A and 1974B, all to read as follows: L/31, p. 2

"Section 1974. Public auction unlawful when. It shall be unlawful for any person, firm or corporation to sell, offer for sale or expose for sale at public auction, any personal property at any place other than in a public auction room, except household furniture, vehicles, automobiles, machinery, live stock and such bulky articles as have usually been sold in warehouses or places other than auction rooms; provided, however, that the provisions of this section shall not apply to any sale made under the direction of any court or to sales of any personal property belonging to the territory or to any county or city and county, or to a bona fide sale of a stock of merchandise where the creditors of the owner thereof are engaged in the legitimate closing out of such stock; nor to hawkers on the street nor peddlers from vehicles, nor to persons selling fruit, fish, vegetable, butter, eggs or other farm or ranch produce; nor to a bona fide sale of a stock of merchandise where the owner thereof is engaged in a legitimate clos-

[Sic]

ing out of any such stock and such owner has been engaged in business at a specified location in the territory for not less than six months immediately preceding the commencement of any such sale; provided further, however, that in the latter case, such owner shall before commencing any such sale, affix to each article to be sold a tag designating such article by serial number, and filed with the county or city and county treasurer a true and sworn statement containing a detailed list and inventory of such stock which shall include (a) a description of each article to be sold sufficient to identify the same, (b) its serial number, and (c) its cost price and shall immediately, upon the conclusion of such sale, file with the treasurer a true and sworn statement containing a detailed list and inventory of such stock as has been sold at and during such sale, which shall include (a) a description of each article sold sufficient to identify the same, (b) its serial number, and (c) the price received therefor. Failure to file either of such statements, or the sale at any such auction of more or different stock or goods than is listed in such statements shall be deemed prima facie evidence that such sale was not for the legitimate purpose of closing out such stock. For the purposes of Chapter 125, a public auction room is defined to be a place designated by a licensed auctioneer in the manner set forth in Section 1976, as the place for holding auction; and further provided that the treasurer of any county or city and county may give a special permit to any regularly licensed auctioneer to conduct the sale of pictures, paintings, furniture, books and bric-a-brac, or personal property under foreclosure of mortgage at a place other than at such public auction room.

25/33 Section 1974A. Hours. No auction sale of gold, silver, plated ware, precious stones, watches, clocks and jewelry shall be conducted between the hours of six (6) o'clock in the evening and eight (8) o'clock in the morning.

Section 1974B. Fictitious bids. It shall be unlawful for any person, firm or corporation to procure any person or persons to make fictitious bids at any auction sale; or to conspire with any person or persons to make any fictitious bid at any auction sale; or knowingly to permit any person or persons to make a fictitious bid at any auction sale; or for any auctioneer fictitiously to raise any bid himself at any auction sale; or for any person to act as a by-bidder, or what is commonly known as a 'capper', 'booster', or 'shiller' at any auction sale, or offer or make any false or fictitious bid, or pretend to bid for, or pretend to buy, any article sold or offered for sale at any auction sale.

222 Section 1977. Violation, penalty. Any person, firm or corporation violating any of the provisions of Sections 1974, 1974A, 1974B or 1975 shall be guilty of a misdemeanor and upon con-

viction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) and each day that any of the provisions of Sections 1974, 1974A or 1975 are violated shall constitute and be a separate offense, punishable as in this section provided."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 196

[S. B. No. 136]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY.
AND COUNTY OF HONOLULU TO PAY LOUIS P. LINO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to pay Louis P. Lino the sum of three hundred dollars (\$300.00) as and for his salary as assistant in the tax office at Pearl City, Ewa, for the Ewa and Waianae districts.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 197

[S. B. No. 163]

AN ACT MAKING ADDITIONAL APPROPRIATIONS OUT OF THE
GENERAL REVENUES FOR THE PERIOD ENDING DECEMBER
31, 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated as additional appropriations for the objects hereinafter expressed, for the biennial period ending December 31, 1925, out of any moneys received in the treasury of the Territory of Hawaii from the general revenues:

TERRITORIAL NORMAL AND TRAINING SCHOOL
RURAL TRAINING SCHOOL AT WAIMANALO, OAHU:

Dormitory building	\$10,000.00	
Director's cottage	4,000.00	
		<hr/> \$14,000.00

SUMMER SESSION, 1925:

Salaries and Current Expenses	1,500.00	
		<hr/>
Total		\$15,500.00

SECTION 2. The treasurer of the Territory of Hawaii shall in the year 1925 add to the general property tax rate, as provided for in Subdivision 9, Section 1315, Revised Laws of 1925, to produce the sum of fifteen thousand five hundred dollars (\$15,500.00), which said sum of money shall be repaid into the general revenues of the territory.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 198

[S. B. No. 173]

AN ACT TO AMEND THE FIRST PARAGRAPH OF SECTION 800 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUBLIC IMPROVEMENT REVOLVING FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The first paragraph of Section 800 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 800. Public improvement; revolving fund. There is appropriated out of the general revenues of the territory the sum of fifty thousand dollars (\$50,000.00) which is hereby constituted a revolving fund to be known as the 'Public improvement revolving fund', for the use by the department of public works of the territory in defraying the costs and expenses incurred in making the necessary surveys and in the preparation of plans and specifications for the construction of public improvements out of loan fund appropriations."

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SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 199

[S. B. No. 184]

AN ACT TO PROVIDE ADDITIONAL TAXES FOR REMOVAL OF PRIVATELY OWNED DWELLINGS AND BUILDINGS FROM THE SITES OF HILO HIGH SCHOOL AND KAPIOLANI SCHOOL, CITY OF HILO, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the third taxation division shall for the year of 1925 increase the tax rate on real and personal property in said taxation division over that provided in any other law to an extent sufficient to yield the sum of twenty-one thousand nine hundred dollars (\$21,900.00) which shall, when

collected, be paid to the treasurer of the County of Hawaii for the purpose of defraying the expenses of removing privately owned dwellings and buildings from the sites of the Hilo High School and the Kapiolani School to lands awarded, or to be awarded to owners of the dwellings or buildings now on the lands within the above sites, and for the payment of any claims for damages caused by said removal.

Said sum or so much thereof as may be required therefor, shall be expended for the above purpose and any unexpended portion of such fund shall be placed in the special school fund of said county.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 200

[S. B. No. 158]

AN ACT AUTHORIZING AND DIRECTING THE SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE TWO THOUSAND DOLLARS (\$2,000.00) FOR MAKING A SURVEY FOR A SEWER SYSTEM FOR THE VILLAGE OF WAIALUA, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate two thousand dollars (\$2,000.00) for making a survey for a sewer system for the village of Waialua, City and County of Honolulu.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 201

[S. B. No. 203]

AN ACT TO REGULATE FISHING WITHIN THE WATERS OF THE TERRITORY OF HAWAII.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be unlawful for any person except resident citizens of the Territory of Hawaii or commercial fishermen who have been granted permits, to take, kill, fish for or assist in fishing for any of the marine fishes, or other marine animals used for food, within the jurisdiction of the Territory of Hawaii by any means whatsoever; provided, however, that this Act shall not apply to any person angling at any time from thirty minutes before sunrise of any day to thirty minutes after sunset of any day; and it shall be unlawful for any person whatsoever to engage in commercial fishing without first having secured a permit from the board of fish and game commissioners of the Territory of Hawaii, herein referred to as the commission. L. 20, P. 191
L. 20, P. 20
L. 20, P. 191

SECTION 2. For the purposes of this Act, angling shall be construed to mean the use of hook, line and rod, but the hook must be free from the rod; and commercial fishing shall be construed to mean the taking of fish to sell or trade.

SECTION 3. The commission or its duly appointed agents shall issue permits to any resident citizen wishing to engage in commercial fishing upon the applicant furnishing name, address, place of birth, height, weight, color of hair and eyes and furnishing satisfactory proof of citizenship; and commercial fishing permits will be issued to other persons upon the applicant furnishing to the commission or its agent satisfactory proof that said applicant is qualified to engage in commercial fishing and upon the payment of five dollars (\$5.00), and also upon the applicant furnishing name, address and place of birth.

SECTION 4. It shall be unlawful to transfer a commercial fishing permit. All permits shall expire on June 30 of each year and duplicate permits shall not be reissued, except to a person making affidavit that his or her permit has been lost or destroyed and upon the payment of fifty cents (50c.).

SECTION 5. It shall be unlawful for any person to use a throwing net, hukilau net or gill net used as a drag net, with mesh of less than 2 inches stretched measure, or to use any kind of a fish

trap other than the basket or portable trap and which shall not exceed ten feet in length or more than six feet in width or height or with a mesh of less than one inch measured across the narrowest way; provided, however, the commercial fishermen and owners or operators of fish ponds will be permitted to catch opelu and similar small fishes or nehu and iao for bait, and the young mullet for stocking ponds with fine meshed seines; provided, however, that none of the provisions of this section shall apply to the use of, the kind of, or mesh of nets used in the catching of the puili and iheihē.

SECTION 6. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction be fined not more than fifty dollars (\$50.00), or be imprisoned not more than fifty days, or be both fined and imprisoned, and one-half of the fine shall be paid to the person or persons assisting in the arrest and conviction of the violator.

SECTION 7. All moneys collected by the commission from the issuance of permits herein provided for shall be turned over to the treasurer of the county or city and county wherein the same are collected.

SECTION 8. All Acts or parts of Acts in conflict herewith hitherto enacted are hereby repealed.

SECTION 9. This Act shall take effect July 1, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 202

[S. B. No. 220]

P. 126 AN ACT TO PROVIDE FOR DEALERS IN FISH TO MAKE REPORTS OF THE AMOUNT OF FISH BOUGHT AND SOLD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Every person, firm or corporation having an established place of business in the City of Honolulu or City of Hilo who engages in the business of buying or selling fish, or fishery product, caught within, or adjacent to, the waters of the Territory

of Hawaii, shall render to the board of fish and game commissioners of the Territory of Hawaii herein referred to as the commission on or before the 10th day of each month on blanks to be furnished by the commission, a true and correct statement in the English language showing the weight and number of each species of fish, purchased, received, or sold during the previous month.

SECTION 2. Every person, firm or corporation having an established place of business who deals in fish, or who receives fish from any person, firm or corporation shall issue receipts in the English language to the person, firm or corporation from whom fish are received and shall give in such receipt the date of the issuance, the name of the person, firm or corporation to whom the receipt is issued, the weight in pounds of each variety received, the number of fish when these average a pound or more, the price per pound paid, and the signature of the dealer who issues the receipt; and any dealer catching his own fish, or handling any fish caught by fishermen working for or with him, shall make out the same receipt, giving market price for the fish as prevails on date of receipt. A duplicate copy of this receipt shall be kept on file by the dealer issuing the same, for a period of six months, and the said duplicate copy shall be available for inspection at any time within six months, upon demand of the commission, or any duly authorized assistant or agent thereof.

SECTION 3. Any person, firm or corporation violating any of the provisions of this Act, or who misrepresents or makes a false statement in the issuance of receipts or in the reports, shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00), or be imprisoned not more than one hundred days, or by both such fine and imprisonment.

SECTION 4. One-half of all moneys collected from fines imposed under this Act shall be turned over to the person or persons assisting in the arrest and conviction of the violator.

SECTION 5. This Act shall take effect July 1, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 203

[S. B. No. 231]

AN ACT APPROPRIATING FIFTY-FOUR DOLLARS (\$54.00) FOR THE RELIEF OF CHARLES S. PUTNAM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifty-four dollars (\$54.00) is hereby appropriated out of any money in the treasury not otherwise appropriated, to reimburse Charles S. Putnam for money advanced by him toward the payment of an award by the Industrial Accident Board of the County of Maui to Frank Kauai, for medical services to the said Frank Kauai.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 204

[S. B. No. 235]

AN ACT TO AMEND SECTION 731 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CLOSED SEASONS AND BAG LIMITS

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 731 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 731. 1. It shall be unlawful in the County of Maui:

(a) to take, kill, destroy or have in possession any migratory wild duck, plover, snipe, turnstone, curlew, stilt or mud-hen between the 30th day of April and the 31st day of December, or to kill more than 5 wild ducks, or 15 of the other birds mentioned herein in one day or more than 10 wild ducks, or 30 of the other birds mentioned herein in any seven consecutive days;

(b) to take, kill or destroy any quail or pheasant between the 31st day of January and the 1st day of November, or to kill more than 5 cock pheasants in one day or 10 quail in one day; or 10 cock pheasants or 25 quail in any seven consecutive days;

(c) to take, kill or destroy any of the common wild doves or pigeons between the 31st day of December and the 1st day of September following, or to take, kill or destroy more than 15 of these birds in one day or 45 in any seven consecutive days;

(d) to kill or destroy any hen pheasants at any time;

(e) or for any one to kill or have in his possession more than 25 game birds in one day or to kill more than 50 game birds in any seven consecutive days;

2. It shall be unlawful in the County of Hawaii:

(a) to take, kill, destroy, hunt for or have in possession any migratory birds, wild ducks, plover, snipe, turnstone, curlew, stilt or mud-hen between the 30th day of April and the 31st day of December more than 25 of any of the birds mentioned herein in any one day or more than 50 in any seven consecutive days;

(b) to take, kill, destroy, hunt for or have in possession any quail or pheasant between the 31st day of January and the 1st day of December, or kill more than 5 cock pheasants in one day or 15 quail in one day, or more than 25 cock pheasants during open season or more than 30 quail in any seven consecutive days;

(c) to take, kill, destroy, hunt for or have in possession any common wild pigeon or dove between the 31st day of January and the 1st day of July, or to kill more than 20 pigeon or common wild dove in one day or more than 50 in any seven consecutive days;

(d) to take, kill, destroy, hunt for or have in possession any hen pheasant at any time.

3. It shall be unlawful in the County of Kauai:

(a) to take, kill, destroy, hunt for or have in possession any migratory birds, wild ducks, plover, snipe, turnstone, curlew, stilt or mud-hen between April 30th and November 1st or to kill more than 25 of the birds mentioned herein in one day;

(b) to take, kill, destroy, hunt for or have in possession any pheasant between January 31st and November 1st, or to kill more than 3 cock pheasants in one day;

(c) to take, kill, destroy, hunt for or have in possession any common wild dove or pigeon between the 31st day of December and the 1st day of July, or to kill more than 15 of the common wild dove or pigeons in one day;

(d) to take, kill, destroy, hunt for or have in possession any hen-pheasant or quail at any time.

4. It shall be unlawful in the City and County of Honolulu:

(a) to take, kill, destroy, hunt for or have in possession any plover, snipe, turnstone, curlew or stilt between the 30th day of April and the 1st day of February, or to kill more than 25 of these birds in one day;

(b) to take, kill, destroy, hunt for or have in possession any migratory wild duck between the 31st day of March and the 1st day of November, or to kill more than 25 of these birds in one day;

(c) to take, kill, destroy, hunt for or have in possession any pheasant between the 31st day of January and the 1st day of November, or to kill more than 3 pheasants in one day;

(d) to take, kill, destroy, hunt for or have in possession any of the common wild dove or pigeons between the 31st day of December and the 1st day of September, or to kill more than 20 of these birds in one day;

(e) to take, kill, destroy, hunt for or have in possession any quail at any time;

(f) to take, kill, destroy, hunt for or have in possession any birds, except during the open season as defined above and only on Saturday, Sunday, and legal territorial holidays; provided, however, that nothing in this Act shall prohibit any government farm, public parks or the holder of a game bird farmer's license from having in possession any game bird as enumerated herein for the purpose of breeding, selling, domesticating, propagating, transporting or for food during the closed season as herein provided."

SECTION 2. It shall be unlawful in the Territory of Hawaii to kill or destroy any native wild duck, native wild goose (nene), wild peacock, or blue-eyed, top-knot, bar-shouldered, green-winged or bronzed-winged doves prior to the establishment of an open season by the Fish and Game Commission.

SECTION 3. Any person convicted of violating any of the provisions of this Act shall be fined not more than two hundred dollars (\$200.00), or be imprisoned for not more than ninety days, and one-half of all moneys from fines imposed shall be paid to the informer assisting in the arrest and conviction of the violator.

SECTION 4. This Act shall take effect from and after the first day of July, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 205

[S. B. No. 236]

AN ACT TO AMEND SECTION 1869 OF CHAPTER 119 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO AUTHORIZING IMPROVEMENT DISTRICT BONDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1869 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1869. Improvement bonds authorized. In the event of an election to pay all or any part of any such special assessment in instalments, the amount required for immediate use to pay the contract price of such improvement, or the instalments thereof from time to time as they fall due may be advanced out of any funds available in the general fund or the permanent improvement fund, provided that as soon as practicable the amounts so necessary shall be secured, and repaid if advances have been made, by the issuance of sufficient district improvement bonds of the city and county to raise such required amount or amounts. Such bonds shall be in such form as may be prescribed by the board, shall bear the name of the benefited or improved district, shall be payable to bearer in a sufficient period of years to cover the outstanding instalment payments determined upon pursuant to the provisions of Sections 1851-1873, and shall be subject to call but not prior to the second interest date thereof as hereinafter provided. The bonds of each issue shall bear serial numbers, shall be of such denomination, not exceeding one thousand dollars each, as may be determined by the board, and shall bear interest at the rate of not more than six per cent per annum, payable semi-annually, as may be determined by the supervisors.

Such bonds shall be executed by the treasurer and issued pursuant to and under the authority and requirements of resolutions of the supervisors. Said bonds shall be countersigned by the mayor and attested by the clerk and by the seal of the city and county. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the county treasurer. The treasurer shall preserve a record of such bonds in a suitable book kept for that purpose. Such bonds shall be payable only out of the moneys collected on account of assessments made for the improvement for which they are issued and the city and county shall not otherwise guarantee payment of any bonds issued under the provisions of Sections 1851-1873; provided, however, that interest payments may be advanced by the board out of any moneys available in the Improvement District Revolving Fund.

27, p 104 All moneys collected on account of assessments and interest for any improvement after the issuance of any bonds shall be kept by the treasurer of the city and county in a special fund and applied solely to the payment of interest and principal of bonds issued for such improvement until such bonds shall have been paid. In the event that any surplus shall remain in any such special fund after payment of the bonds chargeable against such fund or in case of a premium received on the sale of said bonds, it shall be credited to and become a part of a fund to be known as Improvement District Revolving Fund the moneys in which shall be available to make up deficiencies in the proceeds of bonds sold below par, to advance interest due on improvement district bonds and for the expense of preparation and sale of bonds provided for in this Act.

The principal and interest of such bonds shall be payable at the office of the treasurer of the City and County of Honolulu and may also be made payable at the office of any bank or fiduciary company in such other place or places as may be determined by the board. In all cases the bonds and coupons shall recite the place or places of payment. In case any bonds are made payable elsewhere than in Honolulu, the treasurer shall remit the funds necessary to pay the interest and principal when due, of any such bonds, with exchange, to the institution so designated, first assuring himself that such institution is then solvent.

Bonds so issued may be used by the board at par at the time of final acceptance of the contract to pay wholly or in part the contract price of any improvement made as aforesaid, or, in the event that such bonds are not so used, they shall then be sold to the highest bidder or bidders therefor, after public advertisement for tenders for at least once each week for not less than two successive weeks in a suitable newspaper of general circulation published in the city and county, and the proceeds thereof shall be so applied; provided, however, that in the event at an advertised sale only part of such issue so advertised be bid for, thereafter, the board may authorize the treasurer, by resolution, requiring one reading for adoption to sell the whole or any part of the remainder of such issue at the highest bid so received to any person or persons, firm or corporation, at private sale. In the event no purchaser is found, the city and county may be the purchaser of any such bonds, using any funds available and unspent."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 206

[S. B. No. 251]

AN ACT AUTHORIZING AND DIRECTING THE AUDITOR OF THE COUNTY OF HAWAII TO TRANSFER CERTAIN FUNDS RECEIVED FROM THE PEOPLE'S BANK, LIMITED, TO THE GENERAL FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the County of Hawaii is hereby authorized and directed to transfer to the general fund the amount received from the People's Bank, Limited, as the balance on deposit to the credit of the County of Hawaii at the time of its insolvency, and to notify the treasurer of the county of said transfers.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 207

[S. B. No. 255]

AN ACT TO PROVIDE FOR THE ACCEPTANCE OF AN ACT OF CONGRESS APPROVED FEBRUARY 23, 1917, TO ACCEPT THE BENEFITS OF ALL THE RESPECTIVE FUNDS THEREIN DESIGNATED; TO DESIGNATE THE TERRITORIAL TREASURER AS CUSTODIAN OF ALL MONEYS PAID TO THE TERRITORY FROM SAID FUNDS; TO DESIGNATE THE COMMISSIONERS OF PUBLIC INSTRUCTION AS A TERRITORIAL BOARD FOR VOCATIONAL EDUCATION TO COOPERATE WITH THE FEDERAL BOARD CREATED BY SAID ACT, AND TO PROVIDE FUNDS FOR THE ADMINISTRATION OF SAID ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Territory of Hawaii hereby accepts, together with the benefits of all respective funds appropriated thereby, all of the provisions of the Act of Congress approved February 23, 1917, entitled: "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the

promotion of such education in Agriculture, Trade and Industries; to provide for the cooperation of the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

SECTION 2. That the territorial treasurer is hereby designated and appointed custodian of all moneys received by the territory from the appropriations made by said Act of Congress, and is hereby authorized and directed to receive and to provide for the proper custody of same, and make disbursement thereof in the manner provided in the said Act for the purposes therein specified.

SECTION 3. That the commissioners of public instruction heretofore designated by the Governor as a territorial board for vocational education to cooperate with the federal board, is hereby designated and continued as a territorial board for vocational education, and all acts performed by said board by virtue of its designation by the Governor, as aforesaid, are hereby ratified and approved and declared to be of the same force and effect as if performed under and by virtue of the designation herein made. That the superintendent of public instruction, who serves as chairman of the board of commissioners of public instruction, is hereby designated as the executive officer and chairman of the territorial board for vocational education.

SECTION 4. That the board hereby designated shall have full and complete authority and power to cooperate with the federal board for vocational education created by the Act of Congress aforesaid, in the administration of the provisions of the said Act, and to do all things necessary to entitle the territory to receive the benefits of each of the respective funds by said Act appropriated; to represent the territory in any and all matters arising out of or connected with the administration of said Act of Congress insofar as the same shall apply to this territory; to represent the territory in any or all matters in reference to the expenditure, distribution and disbursements of moneys received from said Act; to designate such schools, departments or classes as may be entitled to participate in the benefits of moneys received from the appropriations made in said Act as in its judgment and discretion will best subserve the interests of vocational education in the territory and carry out the spirit, purposes and provisions of the said Act of Congress; to establish and determine by general regulations the qualifications to be possessed by persons teaching agricultural, trade, industrial and home economics subjects in the schools coming under the provisions of said Act of Congress in the territory, and to enforce rules and regulations concerning the granting of certificates and licenses to such teachers and to duly certificate such teachers.

The board shall make an annual report to the governor describing the conditions and progress of vocational education during the year and including therein an itemized statement showing the receipts and expenditures of all moneys used in connection with such education.

SECTION 5. That the board herein designated is hereby authorized to make such expenditures for the expenses of the board, for the salaries and expenses of assistants and supervisors, for office assistants and maintenance, including printing and such other expenses as in the judgment of the board are necessary for the proper administration of said Act of Congress.

SECTION 6. That all the laws and parts of laws in conflict herewith are hereby repealed.

SECTION 7. That this Act shall take effect upon its passage and approval by the governor.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 208

[S. B. No. 294]

AN ACT TO AMEND SECTION 2471 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EQUITY JURISDICTION AND PROCEDURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2471 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2471. Process. Upon the filing of such petition process may issue by the clerk of the court as in actions at law unless an injunction or other temporary order is prayed for, in which case the judge shall determine, ex parte, upon the propriety of granting such process, and in cases not demanding secrecy or occasioning doubt, the judge may, before issuing process,

grant an order to show cause, and make any interlocutory order in the matter which may appear necessary to the ends of justice."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 209

[S. B. No. 298]

AN ACT TO REIMBURSE MESSRS. WHITE & CASE OF 14 WALL STREET, NEW YORK, FOR PERSONAL SERVICES RELATIVE TO WAR MEMORIAL BONDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of one hundred dollars (\$100.00) out of any moneys in the treasury, received from general revenues of the Territory of Hawaii, to be paid to Messrs. White & Case, 14 Wall Street, New York, for personal services relative to certificate of two hundred thousand dollars (\$200,000.00) War Memorial Bonds as of June 26, 1923, and the auditor is hereby authorized to issue a warrant for said payment based upon a voucher to be approved by the treasurer of the territory.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 210

[S. B. No. 300]

AN ACT TO REFUND THIRTY-NINE AND 20/100 DOLLARS (\$39.20)
TO MRS. HANNAH G. SUYEHIRO FOR MONEY PAID INTO THE
TEACHERS' PENSION FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized to pay to Mrs. Hannah G. Suyehiro, upon a warrant drawn by the auditor of the Territory of Hawaii, the sum of thirty-nine and 20/100 dollars (\$39.20), being the balance of money deposited by Mrs. Suyehiro in the Teachers' Pension Fund.

The amount required under this Act is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 211

[S. B. No. 166]

AN ACT TO AMEND SECTIONS 2521, 2527 AND 2528 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WRITS OF ERROR IN CRIMINAL CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2521 of the Revised Laws of Hawaii 1925, L/31, P. 2, is hereby amended to read as follows:

"Section 2521. Had when. A writ of error, returnable to the supreme court, may be issued by the clerk, or any deputy clerk or assistant clerk of the supreme court, upon the application of any party deeming himself aggrieved by the judgment of a circuit court, the land court, or a district magistrate, or by the order or decree of a circuit judge at chambers, at any time before

execution thereon is fully satisfied, within six months from the entry of such judgment, order or decree and the sentence of the court in a criminal case shall be the judgment."

SECTION 2. Section 2527 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2527. In civil and criminal cases. A writ of error may be had as of right in term time or in vacation upon the application of a defendant in a criminal case or of any party in a civil case, or of any legal or personal representative of a deceased party in a civil case."

SECTION 3. The provisions of Section 2528 of the Revised Laws of Hawaii 1925, are hereby changed and said section is hereby amended to read as follows:

"Section 2528. In criminal cases. The giving of written notice or oral notice in open court by the defendant or his counsel within ten days after judgment of intention to sue out a writ of error shall operate as a stay of execution, and shall suspend the operation of sentence in all criminal cases; provided, however, that such stay shall not be operative for more than thirty days or such additional time as the court for good cause shall allow, unless within said time or such extension of time such writ of error is issued."

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 212

[H. B. No. 496]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE COUNTY OF KAUAI TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Kauai is hereby authorized and directed to pay each month, beginning

with the month of July, 1925, up to and including the month of June, 1927, the sums set opposite the respective names as follows:

	Per Month.
Mrs. George Kaupiko	\$ 25.00
Mrs. William E. Werner	25.00

provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 213

[H. B. No. 179]

AN ACT TO AUTHORIZE GOVERNMENT SURVEYORS AND OTHERS TO ENTER UPON PRIVATE LANDS AND TO PROVIDE A PENALTY FOR MISREPRESENTATIONS AND FOR HINDERING SUCH GOVERNMENT SURVEYORS AND OTHERS IN THEIR WORK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any officer, employee or agent of the United States, may, while doing government surveying, or any work necessarily incidental thereto, enter upon private land and there perform such acts as the work for the government may require, and such entry shall not constitute a cause of action against the person so making entry, except for damages resulting from his negligence, or that of those subordinate to him.

SECTION 2. Any person who, entering upon private land, falsely represents that he does so pursuant to the provisions of Section 1 of this Act, and any person who prevents or hinders the work of such officer, employee or agent acting pursuant to the said provisions, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars

(\$1000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 214

[H. B. No. 251]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION
OF A STORM DITCH THROUGH THE HAUULA HOMESTEADS,
KOOLAULOA, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three thousand five hundred dollars (\$3,500.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to acquire the necessary right-of-way for and the construction of a storm ditch through Lots 27-D and 27-E of Subdivision of Lots 26 and 27, Hauula Homesteads, Koolauloa, Oahu, thence along the most practicable course to the Waipuhi Swamp, east of the Hauula School Lot.

SECTION 2. The said sum of three thousand five hundred dollars (\$3,500.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands, who shall have charge of the construction of said storm ditch, and who shall contract for the construction of said storm ditch with or through the City and County of Honolulu, as is provided by law.

SECTION 3. The moneys hereby appropriated shall be deemed to be an advancement out of the general fund of the Territory of Hawaii, and so much thereof as may be expended shall be repaid into the general fund of the treasury of the Territory of Hawaii from the Homesteads Roads-Oahu Account.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 215

[H. B. No. 339]

AN ACT TO AMEND SECTION 243 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PAY OF ENLISTED MEN WHILE ON ACTIVE DUTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 243 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 243. Pay of enlisted men while on active duty. Enlisted men while on active duty in the service of the territory, except during periods of encampments, maneuvers and other exercises, including outdoor target practice, shall receive pay at the rate per day as follows:

Privates and Privates First-Class.....	\$2.00
Corporals	2.25
Sergeants	2.50
Staff Sergeants	2.75
Technical Sergeants	2.75
First Sergeants	2.75
Master Sergeants	2.75
Warrant Officers	3.50"

SECTION 2. This Act shall take effect July 1, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 216

[H. B. No. 419]

AN ACT AUTHORIZING AND DIRECTING THE COUNTY OF HAWAII TO PAY CERTAIN CLAIMS FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Hawaii is hereby authorized and directed to appropriate and pay

the sum of one hundred forty-four dollars and ten cents (\$144.10) to Mrs. Estefanio Ignacio; the sum of sixty-four dollars and sixty-five cents (\$64.65) to Charles Takahata; the sum of three dollars (\$3.00) to Chriss Bertelmann; and the sum of eleven dollars and thirty-one cents (\$11.31) to Panaewa Moi, for taxes illegally collected from them.

SECTION 2. The above amounts shall be paid upon warrants based upon vouchers approved by the tax assessor of the third taxation division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 217

[H. B. No. 445]

AN ACT AMENDING SECTION 2085 OF THE REVISED LAWS OF HAWAII 1925, PROHIBITING THE USING, SMOKING OR HAVING IN POSSESSION OPIUM OR ANY PREPARATION OR ANY DERIVATIVE THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2085 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Section 2085. Using, smoking or having in possession opium or any preparation or any derivative thereof; penalty. Any person who shall use, or smoke opium or any preparation or any derivative thereof, or have the same in his possession, except as provided in Sections 2082 and 2084, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not more than one year."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

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ACT 218

[H. B. No. 449]

AN ACT TO APPROPRIATE MONEY FOR SINKING FUND INSTALLMENTS TO MAKE UP SHRINKAGE IN SINKING FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to add to the tax rate each year for a period of twenty (20) years from January 1, 1926, such per cent as will produce annually the sum of forty-five thousand two hundred nine and 18/100 dollars (\$45,209.18) which amount when invested annually at three and one-half per cent ($3\frac{1}{2}\%$) per annum will produce at the expiration of this period the amount of one million two hundred seventy-eight thousand five hundred forty and 06/100 dollars (\$1,278,540.06).

SECTION 2. The treasurer is hereby authorized and directed to annually deposit in the sinking fund the sum herein provided.

SECTION 3. Such sum shall be apportioned between the several counties and city and county on the basis that the value of the real and personal property of each county or city and county bears to the aggregate value of real and personal property in the territory, all as assessed for the purpose of this tax with calculations made as of May 10th of the current year.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 219

[H. B. No. 29]

AN ACT TO AMEND SECTION 1738 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO POWERS OF THE BOARD OF SUPERVISORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

7, P. 18 SECTION 1. Paragraph 3 of Section 1738 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"3. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained, and to prohibit the same within such limits. Such limits when once established shall not be changed except by extension; provided, however, that within six months from the effective date of this Act the board of supervisors must again consider the present fire limits and within such time any limits now established may be reduced."

SECTION 2. This Act shall take effect from and after its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 220

[S. B. No. 160]

AN ACT TO AMEND SECTIONS 2 AND 3 OF ACT 181, SESSION LAWS OF 1923, RELATING TO THE COMMISSION OF PUBLIC ACCOUNTANCY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 181 of the Session Laws of 1923 is hereby amended to read as follows:

"Section 2. The commission is hereby authorized and directed to plan a uniform system of accounting, a system of recording statistical data, and a system of reporting financial and other statistical data, including the formulation of a budget document, and on the approval of the governor, to install such systems in the

offices of the Territory of Hawaii and of the counties and city and county governments of the Territory of Hawaii, which systems, when so installed, shall, for the departments and bureaus of the territory, be followed by the auditor and the treasurer of the territory under Section 1437 of the Revised Laws of Hawaii 1925.

The commission is also authorized and directed to investigate the advisability of and prepare the necessary bills for consideration of the legislature to bring the employees of the counties and city and county governments of the Territory of Hawaii, under the operation of the general retirement act."

SECTION 2. Section 3 of Act 181 of the Session Laws of 1923 is hereby amended to read as follows:

"Section 3. The commission shall begin its duties on the first day of June, 1923, or as soon thereafter as is practicable, and be continued for a period of four years, and shall prepare a full report for filing with the legislature of the Territory of Hawaii on convening in February of 1927, showing the activities, the scope and progress and results of the work of the commission."

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 221

[H. B. No. 55]

AN ACT TO AMEND CHAPTER 140 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PROCEDURE IN DISTRICT COURTS, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2323A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 140 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto to be known as Section 2323A, to read as follows:

"Section 2323A. In all cases in assumpsit filed in district courts where the complaint is verified by the oath of a person

of his own knowledge, upon the default of the defendant being entered, the judge shall, upon application of the plaintiff, assess the damages and give judgment upon the pleadings."

SECTION 2. All Acts or parts of Acts inconsistent herewith, are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 222

[H. B. No. 426]

AN ACT TO DEFINE AND DECLARE THE CLAIMS OF THE TERRITORY OF HAWAII CONCERNING THE STATUS OF ITS CITIZENS AND THEIR RIGHTS AND PRIVILEGES AND TO APPOINT A COMMISSION FOR PRESENTING SUCH CLAIMS AND FOR SECURING COMPLETE RECOGNITION OF SUCH STATUS BY THE FEDERAL GOVERNMENT, AND APPROPRIATING THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00) TO MEET ALL NECESSARY EXPENSES THEREFOR.

WHEREAS, for a quarter of a century the Territory of Hawaii has occupied the legal status of a full and complete political union with and incorporated in the United States as a territory thereof; and

WHEREAS, a misunderstanding appears to exist as to the status of citizens of the Territory of Hawaii; and

WHEREAS, such misunderstanding has resulted in the exclusion of the citizens of this territory from full recognition granted them under the Constitution of the United States; in denying them free and unhampered passage between ports of the mainland and the Territory of Hawaii and considerable inconvenience and embarrassment has been experienced by those citizens whose rights are curtailed; and

WHEREAS, all the citizens of the Territory of Hawaii are entitled to all rights and privileges of citizens of the United States; and

WHEREAS, the Legislature of the Territory of Hawaii is in full sympathy with the feelings of those citizens who are discriminated against; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Legislature of the Territory of Hawaii hereby makes formal claim for the citizens of the Territory of Hawaii concerning their status as citizens of the United States, as follows:

1. That the Territory of Hawaii is a part of the United States;
2. That citizens of the Territory of Hawaii cannot legally, equitably or morally be discriminated against in respect to their free and unhampered passage between ports of the mainland and the Territory of Hawaii;
3. That Hawaii is a unit within the American scheme of government and her citizens are entitled to all the benefits enjoyed by citizens of the other units.

REASON FOR THIS DECLARATION.

SECTION 2. This declaration is made necessary because of discriminatory rules promulgated and put into practice by the United States Government acting through the Bureau of Immigration of the Department of Labor.

HAWAII WAS ANNEXED TO THE UNITED STATES AND ITS CITIZENS ACCORDED INALIENABLE RIGHTS.

1. The Organic Act, the Constitution of the Territory of Hawaii, approved by the Congress on April 30th, 1900, provides:

"That the Constitution and except as otherwise provided, all the laws of the United States, including laws carrying general appropriations which are not locally inapplicable, shall have the same force and effect within the said territory as elsewhere in the United States", and

"That all persons who were citizens of the Republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii."

2. The Constitution of the United States provides:

"That all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty or property without due process of law nor

deny to any person within its jurisdiction the equal protection of the law".

WHY ARE CITIZENS OF THE UNITED STATES
DENIED THE PRIVILEGE OF FREE AND UN-
HAMPERED PASSAGE BETWEEN PORTS OF
THE MAINLAND AND THE TERRITORY OF
HAWAII?

SECTION 3. The only reason, untenable though it be, is that the Territory of Hawaii enjoys the citizenship of members of the Oriental races.

Birth within the Territory of Hawaii conveys citizenship, not only of Hawaii, but of the United States.

There are two possible grounds or reasons for discriminating against citizens of Oriental parentage:

1. A Joint Resolution providing for the annexation of Hawaii to the United States providing in part that:

"No Chinese by reason of anything herein contained shall be allowed to enter the United States from the Hawaiian Islands", and

2. A so-called gentlemen's agreement between Japan and the United States.

In the first instance, no Chinese may proceed from the Territory of Hawaii to the mainland. This provision is manifestly and obviously made to cover Chinese nationals.

In the second instance, Japanese may not proceed to the mainland of the United States except with certain credentials. This provision is manifestly and obviously made to cover Japanese nationals.

Our interest is for citizens of the United States.

The laws of the Territory of Hawaii provide machinery whereby certificates of birth may be issued to persons who are born within the Territory of Hawaii. A certificate issued under a department of the territorial government and carrying the seal of the Territory of Hawaii is evidence of birth in Hawaii.

Under the Constitution of the United States:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside" and certificate issued by a coordinate branch of the Federal Government should be given full faith and credit and entitle the holder thereof, full and unhampered, to all privileges as a citizen of the United States.

SECTION 4. It is submitted that the exclusion of citizens of the Territory of Hawaii from privileges which are accorded citizens under the Constitution of the United States is unjust and

inequitable and inconsistent, and constitutes a failure on the part of the Federal Government to meet the trust in the good faith of the United States which was expressed in the Organic Act approved by the Congress of the United States on April 30th, 1900, and which made the territory a part of the United States. Under a practice of the Bureau of Immigration, a rule is enforced which admits of the abridgment of the "privileges" and "liberty" of citizens of the Territory of Hawaii.

The Legislature of the Territory of Hawaii hereby expresses its sincere confidence in the Congress of the United States to correct the injustice which has been practiced on citizens of the Territory of Hawaii and further expresses its heartiest belief that the matters herein enumerated are inconsistent with the rights accorded citizens of the United States and will be speedily remedied when Congress is fully informed of these facts.

SECTION 5. To the end, therefore, that there may be removal of all misunderstanding and such action taken by the Congress and Federal Executives as will correct the practice which now selects the citizens of Oriental races for discriminatory rules, the Governor is hereby authorized and empowered to appoint a commission of five members to be known as the Hawaii Legislative Commission to Washington 1925, which commissioners shall, in association with the Delegate to Congress from Hawaii, prepare and present and urge the claim of the Legislature of the Territory of Hawaii so that the Congress and Executive branches of the Federal Government may be brought to recognize all the citizens of this territory as citizens of the United States.

SECTION 6. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated out of any moneys in the general revenues of the Territory of Hawaii not otherwise appropriated to meet all necessary expenses in carrying out the provisions of this Act.

SECTION 7. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 223

[H. B. No. 239]

AN ACT TO APPROPRIATE THE SUM OF SIXTEEN HUNDRED DOLLARS (\$1600.00) BY WAY OF ADVANCEMENT FOR THE CONSTRUCTION OF A ROAD IN THE KIOLAKAA-KEAA HOMESTEAD TRACT, DISTRICT OF KAU, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of sixteen hundred dollars (\$1600.00) is hereby appropriated by way of advancement out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of a road in the Kiolakaa-Keaa Homestead Tract, District of Kau, County of Hawaii, said road to begin at the main belt road and extend northerly between Lots 27, 28, 29 and 10-A, so far as funds will permit.

SECTION 2. The said sum of sixteen hundred dollars \$1600.00) shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall construct said road by contract with or through the board of supervisors of the County of Hawaii, as is provided by law.

SECTION 3. The moneys hereby appropriated shall be deemed an advancement out of the general fund of the Territory of Hawaii, said sum to be reimbursed through proceeds of sales of lands in the Kiolakaa-Keaa Homestead Tract.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 224

[H. B. No. 274]

AN ACT AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY CERTAIN CLAIMS FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate and pay to the following named persons the sums set opposite their respective names, as reimbursements for taxes illegally collected from them:

Mrs. E. Y. Mackenzie.....	\$243.10
Eddie Ah Nee	3.99
James F. McPherson	28.90
M. B. Henshaw	38.35
Matsukichi Kawamura	33.12
James Wong	316.14
Chinese Y. M. C. A.....	1,090.40

SECTION 2. These respective amounts shall be paid by the treasurer of the City and County of Honolulu upon warrants based upon vouchers approved by the tax assessor of the first taxation division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 225

[S. B. No. 38]

AN ACT TO AMEND CHAPTER 88 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO NURSES, BY AMENDING SECTIONS 1104 AND 1107 AND BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1110A.

Be it Enacted by the Legislature of the Territory of Hawaii:

P 265 SECTION 1. Section 1104 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1104. Registration. Application for registration shall be made upon blanks to be furnished by the board, and shall be signed and sworn to by the applicant. Each applicant for registration who shall furnish satisfactory proof that he or she is at least eighteen years of age, is in good physical condition, is free from any contagious or communicable disease and is of good moral character shall, upon payment of a fee of five dollars, be examined by the said board; and upon such examination, if the applicant shall be found qualified, he or she shall be registered with the right to use the title registered nurse and shall receive a certificate thereof from the board signed by the chairman and secretary. The board shall have power to waive the examination of any applicant, otherwise qualified, upon satisfactory proof to it that the applicant has been graduated from a training school for nurses of recognized standing. An applicant who fails to pass an examination satisfactory to the board, and is therefore refused registration, shall be entitled, within one year after such refusal, to a re-examination at a meeting of the board called for the examination of applicants, without the payment of an additional fee. After a hearing of which ten days notice in writing has been given to any registered nurse, the board may, by a vote of a majority of its members, revoke the certificate issued by it and cancel the registration of any nurse who has been guilty of any felony or misdemeanor in the practice of his or her profession or of conduct or omissions prejudicial to the welfare of patients. The board, upon a like hearing and a like vote, may suspend the registration of any nurse and revoke the certificate issued in such a case, upon being satisfied that the nurse is not in good physical condition or has a contagious or communicable disease, which suspension and revocation shall remain effective until the nurse shall produce proof satisfactory to the board that the disability has been removed. All expenses of the board shall be paid from the fees received by the board under the provisions of this chapter, and no salary or other expenses shall be paid out of the treasury

of the territory, and all moneys received by the board shall be held by the treasurer as a special fund for meeting the expenses of the board."

SECTION 2. Section 1107 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1107. The board shall have power to register from time to time and upon payment of said fee, without examination, persons who have been registered as professional nurses elsewhere under laws which, in the opinion of the board, maintain a standard substantially similar to that of this chapter, and who furnish satisfactory evidence of good moral character and of good physical condition and freedom from contagious or communicable disease.

The board of examiners shall file with the board of health of the Territory of Hawaii, monthly, a complete list of all nurses registered with said board."

SECTION 3. The Revised Laws of Hawaii 1925, is hereby further amended by adding thereto the following section:

"Section 1110A. Penalty. Any person who engages in professional nursing in the Territory of Hawaii and thereby assumes to act as registered nurse, without possessing a certificate of registration in good standing according to the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00)."

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 226

[S. B. No. 144]

AN ACT TO AMEND CHAPTER 9 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PRIMARY LAW BY INSERTING THEREIN FIVE NEW SECTIONS, TO BE KNOWN AS SECTIONS 49A, 49B, 49C, 49D AND 49E, PROVIDING FOR CONTESTS AT PRIMARY ELECTIONS AND JUDICIAL DETERMINATION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 9 of the Revised Laws of Hawaii 1925, is hereby amended by inserting therein five new sections to be known as 49A, 49B, 49C, 49D and 49E, and to read as follows:

"Section 49A. Validity of ballot. All questions as to the validity of any ballot cast at any primary election held under this chapter shall be decided immediately and the opinion of the majority of the board of inspectors of election at each polling precinct shall be final and binding, subject to revision by the circuit court of the judicial circuit in which such board is located, as hereinafter provided."

"Section 49B. Petition to contest. Any candidate directly interested or any thirty duly qualified voters of any election district may file a petition in the circuit court of the judicial circuit in which such election district is situated, setting forth any cause or causes why the decision of any board of inspectors should be revised, corrected or changed."

"Section 49C. Filing of petition. Such petition shall be filed in the office of the clerk of such circuit court within seven days following the primary election proposed to be contested and shall be accompanied by a deposit of twenty-five dollars (\$25.00) for costs of court."

"Section 49D. Summons. The clerk shall thereupon issue a summons to the respondents named in such petition to appear before such circuit court within five days after the service thereof."

"Section 49E. Hearing, judgment. The court shall hear such contest in a summary manner and at the hearing the court shall cause the evidence to be reduced to writing and shall within eight days following the return day give judgment fully stating all findings of fact and of law. Such judgment shall decide what candidate was nominated or elected, as the case may be, in the matter presented by the said petition, and a certified copy of such judgment shall forthwith be served on the county or city and county clerk who shall thereupon place the name of such candidate declared to be nominated on the ballot for the forthcoming general

election and such judgment shall be conclusive of the right of the candidate so declared to be nominated; provided, however, that this section shall not operate to amend or repeal the provisions of Section 47 of the Revised Laws of Hawaii 1925, as [Sic] amended."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 227

[S. B. No. 164]

AN ACT TO AMEND SECTION 12 OF ACT 186 OF THE SESSION LAWS OF 1921, RELATING TO THE HONOLULU RAPID TRANSIT COMPANY, LIMITED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 12 of Act 186 of the Session Laws of 1921, L./29, P. 319 is hereby amended to read as follows:

"Section 12. Annual payment to city and county. The company shall, during the month of January of each year, pay to the City and County of Honolulu two and one-half per cent (2½%) of its gross income from its railway during the preceding calendar year, provided, however, that no such payment shall be made, and said company shall be exempt therefrom, for each and all of the calendar years beginning January 1, 1925, and ending December 31, 1928, also provided, however, that if the Honolulu Rapid Transit Company, Limited, is granted an increased fare over the existing street car fare, that this aforesaid exemption shall cease from the date of the inauguration of such increased fare."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 228

[S. B. No. 165]

AN ACT TO AMEND SECTION 3979 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO BAIL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3979 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3979. When a matter of right. If the charge be for an offense not capital in its nature, the defendant may be admitted to bail before conviction as a matter of right, and such right shall continue after conviction in all cases other than those wherein a sentence of at least twenty years' imprisonment may be imposed until the final determination of any motion for a new trial, appeal, writ of error, exceptions, certiorari, habeas corpus or other proceedings which shall have been made, taken, issued or allowed for the purpose of securing a review of the rulings, verdict, judgment, sentence or other proceedings of any court or jury in or by which the defendant has been arraigned, tried, convicted or sentenced. In all cases not capital where the punishment must be imprisonment for twenty years or more, it shall rest in the discretion of the trial court to admit the defendant to bail after conviction. No defendant entitled to bail, whether bailed or not, shall without his written consent be subjected to the operation of any sentence passed upon him while any proceedings to procure a review of any action of the trial court or jury in the premises shall be pending and undetermined."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 229

[S. B. No. 174]

AN ACT TO AMEND SECTION 1375 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DELINQUENT LISTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1375 of the Revised Laws of Hawaii 1925, is hereby amended to read:

"Section 1375. Delinquent tax lists of uncollectible taxes. On or before December 1 of each year the tax assessor shall prepare a list of all delinquent taxes which in his judgment are not collectible and shall submit such list to the treasurer, auditor and attorney general of the territory. Such items on the list as are approved by the treasurer shall be recorded in special books in the tax office as uncollectible, and shall be removed from the other books kept by the assessor. The only effect of such transfer shall be to make it unnecessary to annually compute the interest and penalties upon such items."

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11/22
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SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 230

[S. B. No. 196]

AN ACT MAKING AN APPROPRIATION FOR THE USE OF THE FAIR COMMISSION OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of forty thousand dollars (\$40,000.00) is hereby appropriated from the general revenues of the Territory for use by the Fair Commission of Hawaii in the construction of buildings for livestock, bleachers and permanent electric wiring system.

SECTION 2. The said sum of forty thousand dollars (\$40,000.00) hereby appropriated shall be disbursed by warrants drawn by the auditor upon vouchers approved by the chairman of the Fair Commission.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 231

[S. B. No. 217]

AN ACT AMENDING SECTION 172 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE EMPLOYMENT OF CITIZEN LABOR, AND OF THOSE ELIGIBLE TO BECOME CITIZENS, ON PUBLIC WORKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 172 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 172. Only citizens employed, exception. No person shall be employed as a mechanic or laborer upon any public work carried on by this territory, or by any political subdivision thereof, whether the work is done by contract or otherwise, unless such person is a citizen of the United States and of the Territory of Hawaii; provided, however, that, in the event that unskilled citizen labor, or a sufficient number of unskilled citizen labor, cannot be obtained to do the required work, after due notice calling for such labor has been published in at least two issues of some newspaper of general circulation in the county or city and county where such work is to be done, the superintendent of public works, or the mayor, or other chief executive of any municipality, respectively, shall have the power, upon due proof being made that unskilled citizen labor, or a sufficient number of unskilled citizen labor, cannot be obtained to do such work, to issue permits to employ a sufficient number of persons eligible to be-

come citizens as unskilled labor until such unskilled citizen labor can be obtained."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 232

[S. B. No. 244]

AN ACT AMENDING SECTION 336 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MAINTENANCE OF PUBLIC SCHOOLS AND SALARY SCHEDULES.

Be it Enacted by the Legislature of the Territory of Hawaii: L/27, P. 28

SECTION 1. Section 336 of the Revised Laws of Hawaii 1925, relating to maintenance of public schools and salary schedules, is hereby amended to read as follows: L/29, P.

"Section 336. Salary schedule. The salary schedule, fixing pay of supervisors, principals, teachers, etc., adopted by the department of public instruction on January 26, 1925, and approved by the governor, is hereby adopted and approved as the salary schedule. L/32, P.

Number of teachers. The total number of teachers, exclusive of principals of schools with sixteen or more assistants, and not more than thirty-five supervisors, not more than one hundred forty-five vocational teachers, and not more than thirty secretaries for supervising principals and schools which have twenty-five or more teachers, who may be continuously employed by the department, shall not exceed one for every thirty-five pupils enrolled in the public elementary schools and one for every twenty pupils enrolled in the public high schools at the time of the highest enrollment during the preceding year, plus an estimated increase of not more than 7.5 per centum in such enrollment after September 1 of the current year.

It is provided, however, that the total monthly pay roll, as indicated above, shall not exceed four dollars and fifty cents (\$4.50) per capita for the number of pupils enrolled in grades 1 to 8 inclusive and eight dollars and seventy-five cents (\$8.75) for the number of pupils enrolled in grades 9 to 12 inclusive.

And the treasurer of the territory, in making up his estimates of funds necessary to be raised out of the real and personal property taxes to meet such pay roll, shall take into consideration the

estimated increase of not more than 7.5 per centum in the enrollment as aforesaid after September 1 of the current year and the consequent increase in the number of teachers and the amount of said pay roll which will be necessary, including the amount payable by the Territory of Hawaii to the employees' retirement system of the Territory of Hawaii on account of members whose salaries are paid from school funds."

SECTION 2. All laws and parts of laws inconsistent with this Act are hereby repealed.

SECTION 3. This Act shall take effect on September 1, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 233

[S. B. No. 238]

AN ACT TO AMEND SECTION 433 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO FAIR COMMISSION.
p. 236

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 433 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 433. Fair commission; members, appointment, and tenure. The governor shall appoint five persons in accordance with the provisions of Section 80 of the Organic Act, two of whom shall be from the City and County of Honolulu, one from the County of Hawaii, one from the County of Maui and one from the County of Kauai, who shall constitute a commission to be known as the Fair Commission of Hawaii. One of the commissioners shall be appointed as chairman and shall receive a monthly salary, which salary shall be paid from appropriations made from time to time by the legislature for the defraying of the expenses incurred in carrying on territorial fairs. The other members of the commission shall serve without pay. The commissioners shall hold office for four years unless sooner removed for cause."

SECTION 2. This Act shall take effect on and after July 1, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 234

[S. B. No. 240]

AN ACT RELATING TO FALSE ADVERTISING AND PROVIDING A PUNISHMENT THEREFOR.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That any person, firm, corporation or association who, with intent to sell or in any wise dispose of merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this territory, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor; provided, that the provisions of this Act shall not apply to any owner, publisher, agent or employee of a newspaper for the publication of such advertisement published in good faith and without knowledge of the falsity thereof.

SECTION 2. Whoever is convicted of the violation of the provisions of this Act shall be punished by fine, not exceeding five hundred dollars (\$500.00), or by imprisonment for not more than thirty days.

SECTION 3. This Act shall take effect immediately upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 235

[S. B. No. 269]

AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL CLERICAL ASSISTANTS, COMMISSIONS AND TAX BOOKS, FIRST TAXATION DIVISION, FOR THE BIENNIAL PERIOD ENDING JUNE 30 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of four thousand five hundred dollars (\$4,500.00) is hereby appropriated out of moneys in the treasury received from the general revenues as an addition to the item known as "Pay of additional clerical assistants, commissions and tax books" under the heading "Treasury Department", sub-head, "First Taxation Division, Oahu" in Act 148 of the Session Laws of 1923, for the biennial period ending June 30, 1925.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 236

[S. B. No. 277]

AN ACT TO AMEND SECTION 2088, CHAPTER 125, OF THE REVISED LAWS OF HAWAII 1925, AND ADDING A NEW SECTION TO SAID CHAPTER 125 TO BE NUMBERED SECTION 2088A, RELATING TO FEES FOR PUBLIC SHOWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

1925 SECTION 1. Section 2088 of the Revised Laws of Hawaii 1925 is hereby amended to read as follows:

"Section 2088. Fee. The fee for each performance under any such license shall be one dollar (\$1.00), except as provided in Section 2088A, and except in the case of moving picture shows and theatrical performances, which may be charged a yearly license of two hundred dollars (\$200.00); such yearly license,

however, not to include any moving picture show which may be given by law or ordinance on Sunday, in which case the fee shall be one dollar (\$1.00) for each exhibition; but no fee shall be charged if the treasurer or sheriff is satisfied that the entire proceeds of the performance or any exhibition are to be donated to any school, religious or charitable institution, or for the promotion of art, and not for profit."

SECTION 2. A new section is hereby added to Chapter 125 of the Revised Laws of Hawaii 1925, to be numbered Section 2088A and to read as follows:

"Section 2088A. The fee for each performance under the license provided in Section 2087 hereof shall be fifteen dollars (\$15.00) per day for carnivals, circuses, amusement parks and itinerant shows under canvass or temporary structure except that such carnivals, circuses, amusement parks and itinerant shows may be charged a yearly license of two hundred dollars (\$200.00); provided, however, that this section shall not apply to territorial, city and county or county fairs; and further provided that no fees shall be charged if the treasurer or sheriff is satisfied that the entire proceeds of the performance or any exhibition are to be donated to any school, religious or charitable institution, or for the promotion of art, and not for profit."

SECTION 3. This Act shall take effect January 1, 1926.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 237

[S. B. No. 280]

AN ACT TO AMEND SECTION 306 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TEACHERS' CERTIFICATES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 306 of the Revised Laws of Hawaii of 1925 shall be amended to read as follows:

"Section 306. Teachers entitled to elementary life certificates. Those teachers in the public schools of the Territory of Hawaii,

who have held primary grade, grammar grade, or elementary second class certificates for ten years or more, and who have completed ten years of satisfactory teaching under such certificates, shall be granted elementary life certificates by the department of public instruction.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 238

[S. B. No. 287]

AN ACT TO PROVIDE FOR THE TEMPORARY USE OF SPECIAL FUNDS IN THE TREASURY OF THE CITY AND COUNTY OF HONOLULU FOR THE BENEFIT OF THE GENERAL AND PERMANENT IMPROVEMENT FUNDS.

Q 74/33
Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Temporary use of special funds. The treasurer of the City and County of Honolulu, by and with the approval of the board of supervisors, is authorized to make temporary use of any part or portion of such special funds of the city and county as shown on the books of the treasury, for the purpose of paying warrants drawn on the treasurer for current indebtedness whenever the current cash in the general or permanent improvement funds of the city and county is not sufficient to pay the same; provided, however, that the sums so taken shall be redeposited to the credit of the special funds not later than fifteen (15) days after the next succeeding delinquency date of property taxes.

The expression "special fund" as used in this Act, shall be construed to mean all public funds other than pension funds, loan funds, sinking funds, and school funds.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 239

[S. B. No. 296]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF ESPIRIDION RAFAL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of thirty-six and 80/100 dollars (\$36.80) is hereby appropriated out of any moneys in the treasury of the territory not otherwise appropriated for the payment of Espiridion Rafal, to reimburse the said Espiridion Rafal for losses due to personal injuries sustained by said Espiridion Rafal while a member of Hawaii National Guard in the service of the Territory of Hawaii.

SECTION 2. The amount hereby appropriated shall become available and the treasurer is hereby authorized to pay the same to said Espiridion Rafal.

SECTION 3. This Act shall take effect on the day of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 240

[S. B. No. 299]

AN ACT AUTHORIZING AND DIRECTING THE COUNTY OF MAUI TO APPROPRIATE AND PAY TO THE HANA ICE AND ELECTRIC COMPANY, LIMITED, THE SUM OF FIVE HUNDRED SEVEN AND NO/100 DOLLARS (\$507.00) FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and directed to appropriate and pay to the Hana Ice and Electric Company, Limited, the sum of five hun-

dred seven and no/100 dollars (\$507.00) for taxes illegally collected.

SECTION 2. This sum shall be paid upon a warrant based upon a voucher approved by the tax assessor of the second taxation division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 241

[S. B. No. 307]

AN ACT TO AMEND CHAPTER 201 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PARTNERSHIPS, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 3560A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new section is hereby added to the Revised Laws of Hawaii 1925, to be known as Section 3560A, to read as follows:

"Section 3560A. Cancellation of registration. If any partnership shall have failed or neglected, for a period of two years, to file the annual statement by this chapter required, the treasurer may cancel the registration of such partnership. The cancellation of such registration shall not relieve the members of such copartnership from the liability for the penalties for the failure to file the statement required under this chapter.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 242

[S. B. No. 308]

AN ACT TO AMEND ACT 176 OF THE SESSION LAWS OF HAWAII 1923, FIXING THE SCHOOL BUDGET FOR THE BIENNIAL PERIOD BEGINNING JANUARY 1, 1924, AND ENDING DECEMBER 31, 1925, AND TO PROVIDE THE METHOD BY WHICH THE TREASURER OF THE TERRITORY SHALL, IN 1925, COMPUTE THE AMOUNT FOR THE COUNTY OF HAWAII FOR SUBDIVISION 5 OF SECTION 1315 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That portion of Section 1 of Act 176 of the Session Laws of Hawaii 1923, relating to "Special Fund" is hereby amended by changing the item provided therein for "New Buildings, additions and improvements" in the County of Hawaii, from one hundred seven thousand three hundred fifty dollars (\$107,350.00) to one hundred ninety-nine thousand eight hundred eight dollars (\$199,808.00); by changing the total figure for said county from three hundred twenty-one thousand four hundred seventy-six dollars (\$321,476.00) to four hundred thirteen thousand nine hundred thirty-four dollars (\$413,934.00), by changing the total figure for the whole territory from one million two hundred seventy-one thousand nine hundred seventy dollars (\$1,271,970.00) to one million three hundred sixty-four thousand four hundred twenty-eight dollars (\$1,364,428.00); and by amending that portion of said section immediately following to read as follows:

"The total sum of one hundred ninety-nine thousand eight hundred eight dollars (\$199,808.00) as set forth above for the County of Hawaii, and three hundred thirty-seven thousand dollars (\$337,000.00) for the City and County of Honolulu for new buildings, additions and improvements, shall be allotted by districts during the biennial period ending December 31, 1925, as follows:

COUNTY OF HAWAII.

City of Hilo	\$ 37,258.00	
Rural East Hawaii	96,400.00	
West Hawaii	66,150.00	\$ 199,808.00

CITY AND COUNTY OF HONOLULU.

Honolulu District	\$190,800.00	
Rural Oahu	146,200.00	\$ 337,000.00
		<hr/>
Total.....		\$ 536,808.00
Total of General Fund	572,690.00	
Total of Special Fund.....	1,364,428.00	
		<hr/>
Grand Total.....		\$1,937,118.00

SECTION 2. In estimating the tax rate for the County of Hawaii for the year 1925, pursuant to Section 1315 of the Revised Laws of Hawaii 1925, the treasurer of the territory shall use as his computation for Subdivision 5 for the County of Hawaii the sum of two hundred fifty-three thousand one hundred ninety-six dollars (\$253,196.00), that being the excess of the total amount called for by the school budget as herein amended for the County of Hawaii, over and above the sum computed by him in fixing the 1924 tax rate.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 243

[S. B. No. 70]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO APPROPRIATE THE SUM OF THREE HUNDRED TWO AND 93/100 DOLLARS (\$302.93) FOR THE PAYMENT OF THE CLAIM OF JAMES SAKAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to appropriate the sum of three hundred two and 93/100 dollars (\$302.93) out of the general fund of said county for the payment of the claim of James Sakai

on account of goods supplied to the deputy sheriff's department, of the district of North Kohala, Hawaii, during the year 1920.

SECTION 2. Upon the making of such an appropriation, and the filing of proper vouchers, the auditor of the County of Hawaii is hereby authorized and directed to draw warrants upon the treasurer of the said county, for the amount of the claim of the said James Sakai.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 244

[S. B. No. 76]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A RAILWAY AND RAILWAY SYSTEM FOR THE TRANSPORTATION OF PASSENGERS, FREIGHT, MAIL, AND FOR OTHER PURPOSES, IN THE DISTRICTS OF SOUTH HILO, NORTH HILO, PUNA AND KAU, ISLAND OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Definitions. Wherever in this Act the following words occur they shall be held to have the force and meaning herein set forth unless the context clearly indicates otherwise:

"Railway" shall refer to and mean the rolling stock, busses or other vehicles of transportation whether operated on rails or not, rails, tracks, roadway, with its appurtenances, appliances and connections to be placed in the streets, roads or places in the districts of South Hilo, North Hilo, Puna and Kau on the Island of Hawaii, and all land, power stations, houses, buildings, structures and machinery, franchises and all property of every nature whatsoever owned or acquired, used and useful for public utility purposes as by this Act provided.

"Districts of South Hilo, North Hilo, Puna and Kau" shall refer to and mean all of those portions of the Island of Hawaii included in the election, taxation, education and judicial districts,

as defined by Chapter 14, Revised Laws of Hawaii 1925, as the districts of South Hilo, North Hilo, Puna and Kau.

"Association" shall refer to and mean John K. Kai and his associates and assigns, or such corporation as may be organized by them to take over and exercise the rights and privileges conferred by this Act.

"Commission" shall refer to and mean the public utilities commission of the Territory of Hawaii, or its successors and any commission of similar character that may be hereafter created by the laws of the Territory of Hawaii.

"Board of Supervisors" shall refer to and mean the board of supervisors of the County of Hawaii, or its successors, or the corresponding legislative body of the successors of said County of Hawaii.

SECTION 2. Grant. Operation of street railway and busses or other vehicles authorized. The right and authority is hereby granted to John K. Kai and his associates and assigns, or such corporation as may be organized by them for the term of fifty (50) years to take over and exercise the rights and privileges conferred by this Act, for the purpose of transporting passengers, freight and mail to construct, lay down and maintain and operate a railway, either single or double track, or partly single and partly double, with such curves, switches, turnouts, poles, wires, underground or overhead conduits, and such other appliances and appurtenances as may from time to time be necessary for the use and operation thereof, along and upon such streets, roads, and places in the districts of South Hilo, North Hilo, Puna and Kau, Island of Hawaii as may, on the application of the association, be approved by the commission (or board of supervisors), or as may be ordered by the commission as hereinafter provided; and in connection with said railway to manufacture, construct, operate, repair and maintain such power stations, houses, buildings, structures and machinery, cars, busses and all and every other appurtenance or appliance required in the construction, equipment, operation and maintenance of said railway, and to purchase, maintain and use such electric and other power as is hereinafter provided for as may be required for the use of such railway, its appurtenances and appliances for the purpose of operating said railway; provided, however, that the board of supervisors under any law now in existence or hereafter passed may set aside streets or roads upon which no railway shall be subsequently constructed thereon saving and excepting for crossing purposes only.

Freight may be hauled or carried upon said railway upon such streets and roads at such times and in such manner as may be from time to time designated by the board of supervisors.

The association may contract with the United States Government for the hauling of United States mail over the lines of said railway.

The association shall have the right to charge, receive and collect for the transportation of passengers, freight and mail, such reasonable rates as may from time to time be fixed and determined by the association with the approval of the commission, or by the commission, so that the same will be sufficient to meet all reasonable costs of operation, including taxes, plus a fair return on the total property of said association actually used for public utility purposes.

SECTION 3. Power of eminent domain. The association shall have the right, and is hereby vested with the authority and power to acquire by the exercise of the right of eminent domain such real property, rights of way and interest in, over, across, under, and through any real property which may be necessary for the purposes of the association.

The power of eminent domain granted by this section, shall be exercised in the same manner and with like procedure as the power of eminent domain may be exercised by a railroad company under the provisions of Section 889 of the Revised Laws of Hawaii 1925, and otherwise in accordance with all applicable provisions of the general laws of the territory, and only after the association has first obtained the written consent of the commission to the institution of condemnation proceedings, such consent to be given only after investigation by said commission, and notice to the parties in interest and to the public, with the opportunity for said parties and the public to be heard.

SECTION 4. Motive power. The railway shall be operated by electric power, either through overhead or underground wires or storage batteries, or by internal combustion engines or such other motive power as the association may, with the approval of the public utilities commission, from time to time adopt; provided, however, that a part of such railway may be operated by one motive power, while another or other portions thereof may be operated by another or other motive powers, and provided further, that no steam engine, similar to the steam locomotive commonly in use and no engine, car or other vehicle which emits steam, smoke or offensive odors shall be operated upon the railway on the streets or roads covered by this Act.

SECTION 5. Construction—equipment. (a) The railway, together with all its branches and connections, shall be thoroughly and substantially constructed and maintained according to the best modern practice, and in such manner as to cause the least obstruction to the free use of the streets, roads and places in which it may be laid.

(b) The cars for carrying passengers shall be of the best modern construction for the comfort, convenience and safety of such passengers, and shall be provided with fenders of the best pattern and with proper brakes, lighting and signalling appliances, and with proper numbers, route-boards or signs, all as approved or required by the commission.

(c) The tracks shall not exceed in width four feet, eight and one-half inches between the rails.

(d) The association shall pay all expenses and damages and save the territory and the County of Hawaii harmless and indemnified from all loss, cost, damage and expense in consequence of or arising from the construction and operation of said railway, and pay for all repairs to the streets or roads in which the same may be located, made necessary or advisable by the construction or operation of said railway.

The association shall so provide for the electric currents and provide such conductors therefor, and of return currents that avoidable injury or deterioration shall not occur, nor be done to the water pipes, sewer pipes, gas pipes, or other property of the territory, of the County of Hawaii, or of any person or corporation, and shall save the territory or the County of Hawaii, or any person or corporation, harmless and indemnified from all loss, costs, damage and expense by reason thereof.

(e) The type and style of rail to be employed by the association in constructing and laying down the several railroad tracks, and the manner of laying such rails shall be such as may be approved of or required by the board of supervisors.

(f) In laying down the said tracks not more than one block or in case said block is longer than 1,000 feet not more than 1,000 lineal feet of any one street shall be closed to traffic at any one time and the work shall be carried on continuously until completed; provided, however, that a longer distance may be closed with the approval of the board of supervisors.

(g) Trolley wires shall be of a height of not less than 16 feet above the street or road and shall be provided with proper guard wires. The size and location of such wires, the manner of guarding the same, and the manner of supporting them shall be as approved or required by the board of supervisors; provided, however, that this paragraph shall not operate to deprive the commission of any authority granted under Section 13 hereof.

(h) Every order, requirement, direction or approval of the board of supervisors shall be just and reasonable.

SECTION 6. Paving obligations. (a) The rights and privileges hereby granted to the association are granted upon such terms, conditions and restrictions as are now or may hereafter be imposed by the laws of the Territory of Hawaii in relation to the matter of constructing and maintaining street railways, and a strict compliance with such laws is hereby required of the association.

(b) The County of Hawaii shall have the right to grade, sewer, pave, macadamize or otherwise improve, alter or repair any or all of the streets and roads upon which said railway is laid or constructed, and such right may not be alienated or impaired; but any work in carrying out and performing such right shall be done in such manner as to obstruct or injure the railway hereby authorized as little as possible. If such work, grade, improvement, alteration or repair upon such streets or roads necessarily interferes with the grade or location of such railway, the association upon being so ordered by the board of supervisors, shall at its own expense alter said railway and make it correspond with the work, grade, improvement, alteration or repair. Such alteration shall be completed within a reasonable time from the date of such order to be fixed by the board of supervisors.

(c) The association, before laying the railway or its lines upon any of the said streets or roads shall ascertain the lawful grade of such streets or roads from the board of supervisors, and said board shall furnish the required information within a reasonable time. The tracks or lines of the association shall conform to the grades of the streets or roads on which they are laid down as furnished by the board of supervisors, and the association shall not in any way change or alter the same without the written consent of the said board.

The County of Hawaii shall have the right to change the lines and grades of its streets or roads at any time whenever required by public convenience, public welfare or public safety; and the association shall, upon being ordered to do so by the board of supervisors, conform to such new lines or grades by reconstructing its tracks or lines. Such order shall be complied with within a reasonable time from the date thereof to be fixed by the board of supervisors.

The County of Hawaii shall reimburse the association for all payments made or expenses incurred by it by reason of such reconstruction when ordered within ten years from the construction of the portion of said railway or lines ordered reconstructed.

(d) The association, in laying its tracks or lines on a street or road already paved or macadamized, shall pave or macadam-

ize the entire space between its tracks, or between the outside rails of double tracks if more than one track be laid, and for one foot outside of the outer rails, and such paving or macadamizing shall be flush with the streets or roads and correspond with the paving or macadamizing of the remaining portion of said street or road, and shall be so laid that the rails shall be flush with the streets or roads, and the association shall keep its tracks and its portions of all the said streets or roads in good repair as required by the board of supervisors; and in like manner said association shall pave or macadamize if its tracks are laid on a street or road not paved or macadamized when said street or road is first paved or macadamized, and likewise shall keep its tracks and its portion of said street or road in good repair as required by the board of supervisors; provided, however, that the board of supervisors may approve a type or types of paving which will make such railway accessible for repair. Repairs where tracks are laid, when ordered by the board of supervisors shall be made by the association within a reasonable time from the date of said order to be fixed by said board.

(e) In all cases of street or road improvements by the County of Hawaii the association shall conform to all such improvements in the kind of pavement and manner of laying the same as directed by the board of supervisors.

(f) The location of the railway or lines in the streets or roads shall be as approved by the board of supervisors. If public convenience, public welfare or public safety requires a change of the location of said tracks, a relocation may be ordered by the board of supervisors. Such relocation shall be made within a reasonable time from the date of said order to be fixed by the said board of supervisors.

(g) Should the association fail or neglect to comply with any of the obligations in this section provided after written notice by the board of supervisors of such failure or neglect, or with any order of the board of supervisors made as in this section provided, the board of supervisors may by resolution find the association in default and at any time after five days after written notice of such finding of default shall have been given to the association by delivery of a copy of such resolution at the principal office of the association, the paving, alterations, relocations, repairs, changes and/or improvements required may be made by the officers, servants and/or employees of the County of Hawaii and the cost thereof recovered from the said association in the courts of the territory.

(h) From every order of the board of supervisors under paragraph (f) of this section except as to initial location, and from any finding of default by said board on account thereof, an appeal shall lie to the commission and every such appeal shall operate as

a stay of any action by the board of supervisors of the County of Hawaii under paragraph (g) of this section pending the decision or determination by the commission upon said appeal.

SECTION 7. Operation. (a) Whenever it shall be necessary to cross the tracks of any other railway, the said association is authorized to construct and lay down, at its own expense, proper crossings, removing the rails so crossed for that purpose; but such construction and removal shall be done in such manner as to least interfere with the traffic of such other railway; and after the said crossings are laid, the expense of maintenance shall be borne equally by the association and the owners or lessees of such other railway.

(b) Cars, rolling stock, busses, etc. The association shall at all times maintain a sufficient number of cars, rolling stock, busses or other vehicles of transportation for the carriage of passengers as the commission may approve, require or direct for public convenience, and such other cars designed for the carriage of parcels, goods and U. S. mail as the commission may approve or require.

(c) Speed. The rates of speed of the cars, rolling stock, busses and other vehicles of the association shall be such as from time to time may be approved or required by the board of supervisors.

(d) Rules and regulations. The association shall make just and reasonable regulations regarding the maintenance and operation of said railway on and through said streets and roads. All such rules and regulations shall be subject to the approval of the commission.

(e) Special fares for children. The commission may fix special rates of fare for children under such regulations as it may from time to time make; provided, however, that school children under the age of eighteen years on school days shall be entitled to half fare.

(f) Free transportation. There shall be no free transportation provided, except to officers and employees of the association and members of the Hilo police and fire departments when on duty and in uniform and such free transportation shall be subject to regulation by the commission.

(g) Passage refused certain persons. The person or persons lawfully in charge of any car, buss or other vehicle of transportation may refuse passage to any person or persons who refuse to pay the lawful fare, or to carry drunk or disorderly persons or person or persons affected with infectious or contagious diseases, and may eject therefrom, forcibly if necessary, any such person or persons.

(h) Right of way. The cars lawfully occupying and using the railway shall have the right of way upon the tracks or lines

constructed in said streets, roads and places, except that such right shall yield to the police authorities of the County of Hawaii and in case of fire to the apparatus of the fire department of the City of Hilo.

(i) Office in Hilo—residence of officers. The association shall at all times have and maintain an office for the transaction of the business of the railway at some place in Hilo convenient of access to the public; and all persons, other than the directors having charge, management and control thereof and a majority of the directors shall be residents of the County of Hawaii, and all of the directors shall be residents of the Territory of Hawaii.

SECTION 8. Rights to acquire franchises and property of other companies. Subject to the prior approval of the commission as to price, terms and in all other respects, the association shall have the right to take over, either by purchase or lease, all or any part of the property, real and personal, rights, privileges and franchises or any other railway or any power company, or of any company having objects in whole or in part similar to those by this Act authorized, which said property, rights, privileges and franchises are required for the purposes of this Act, and when so acquired shall be held, maintained and operated under and in accordance with the provisions of this Act.

SECTION 9. Issue and sale of stock. The association may, with the approval of and under the rules and regulations prescribed by the commission, increase its capital stock for capital expenditures by the issuance and sale of new common stock at a price not less than par; provided, however, that bonds or notes the proceeds of which have been used for capital expenditures may be redeemed by capital stock of the association, as approved by the commission, at par to the amount of the proceeds received by the association from the sale of such bonds or notes.

SECTION 10. Mortgages, bonds, notes and loans. The association, subject to the prior approval of the commission, in furtherance of the objects by this Act authorized, shall have the power to and shall, when directed by the commission as hereinafter provided, for the purposes of additions, extensions, increases, betterments and improvements, borrow money and secure the payment thereof with interest by mortgages of all or any portion of its property, which may include the franchise of the association, and for such purpose mortgage bonds may be issued secured by trust deed of such property as aforesaid. Such mortgages or trust deeds may, in addition to the property named above cover

any property or property rights to be acquired after their several dates as well as the income and receipts of the property from whatsoever source derived and may contain such provisions as the commission may deem advisable and proper for the protection of all concerned, relative to payments of interest and principal, possession and operation of said railway or other property, default, remedies, foreclosures, powers of mortgagees or trustees in all matters, and all and every other matter which it may deem wise and proper to insert therein. Provided that nothing in this section contained shall operate to prevent the association from obtaining the usual business credits or from making promissory notes without security.

The commission may authorize the issuance of temporary bonds or notes to provide operating funds and prescribe the terms and rate of interest thereof and also authorize a reserve or sinking fund from earnings for the payment of such bonds, notes or other debts on operating account.

SECTION 11. Additions, extensions, increases, betterments and improvements. Additions, extensions, increases, betterments and improvements of the railway and the equipment and works connected therewith may be made or acquired by the association, with the approval of the commission and shall be made whenever after notice and an opportunity to be heard at a public hearing, it shall be directed so to do by the commission and when so made or acquired, or when made or furnished by others, shall thereafter be maintained by it, except as herein provided; and increases and improvements in the service to be rendered by the association shall likewise be made by it when directed so to do by the commission; provided that the commission shall not so direct unless it shall find after such hearing that the earnings of the association when maintaining and operating such additions, extensions, increases and improvements whether of railway or service provided for in this section, together with the remainder of its railway and service and considering a possible increase in rate of fares, will be sufficient to meet all the reasonable costs of operation plus a fair return on the total property of the association, including such additions, extensions, increases, betterments and improvements actually used for public utility purposes.

Additions and extensions or improvements made or furnished by others shall not be acquired unless the same shall be transferred to the association, and unless the commission shall upon application therefor and after notice to the association and a public hearing thereon, authorize the same, and unless the construction thereof accords with the general standard of construction of the railway.

If, after any additions, extensions, increases or improvements have been made, it shall appear after a trial for a reasonable period that the earnings of the association, considering a possible increase in rate of fares, will be insufficient to meet all the reasonable costs of operation, plus a fair return on the total property of said association including such additions, extensions, increases, betterments and improvements actually used for public utility purposes, the commission may permit the association to cease the maintenance and operation of the whole or such portion thereof as may be necessary in order to make such earnings sufficient for such purpose.

The commission may require that any additions, extensions, betterments or improvements be constructed under contract for which public bids shall be called.

Any additions, extensions, betterments, improvements or increases involving capital expenditures made or acquired by the association shall be paid for out of the proceeds of stock, bonds or notes, whichever may be authorized or directed by the commission, and on such terms as shall be authorized by the commission; provided, however, that stock shall be sold for not less than par, and provided, further, that the commission shall not require the issuance of bonds or notes by the association until the association shall have been given six months time within which to finance such additions, extensions, betterments, improvements or increases by the sale of capital stock, and further provided, that if such bonds or notes are sold for less than par, the discount thereon shall be amortized out of the earnings as an expense of operation in such manner as shall be approved by the commission. If bonds or notes are authorized they may be redeemed in capital stock of the association as approved by the commission at par to the amount of the proceeds received by the association from the sale of such bonds or notes.

SECTION 12. Annual payment to county. The association shall, during the month of January of each year, pay to the County of Hawaii two and one-half per cent ($2\frac{1}{2}\%$) of its gross income from its operations during the preceding calendar year.

SECTION 13. Power of commission. The commission is hereby vested with power and jurisdiction by order to regulate, fix and change all rates, fares, charges, classifications, rules and practices made, charged or observed by the association, the manner in which the railway and all other property of the company is operated with reference to the safety or accommodation of the public, its form and method of keeping accounts, books and records, and its accounting system, the return upon its property, the incurring of indebtedness relating to its railway and the disposition of the

proceeds thereof and of its railway income, and to regulate all of its financial transactions, its business relations, with other persons, companies, or corporations, (except with respect to contracts with the United States Government with respect to the transportation of U. S. Mail), its compliance with all applicable territorial and federal laws and with the provisions of its franchise and articles of association, its classifications, rules, regulations, practices and service and all matters of every nature affecting the relations and transactions between it and the public and persons or corporations, except as hereinabove provided, and to do all things whether herein specifically designated or in addition thereto which are necessary and in the exercise of such power and jurisdiction, or of which as so ordered, regulated, fixed and charged shall be just and reasonable and such as shall provide a fair return on the property of the association actually used for public utility purposes and such orders may be made after a hearing upon its own motion or upon complaint. Provided, however, there shall be only one fare in the closely built up portion of the City of Hilo.

The association shall, if so required by the commission, and under such requirements as the commission shall designate, enter into agreements for mutual transfer privileges, joint track, switching, terminal or other agreements with companies or others carrying on a like business.

Should public convenience, public welfare or public safety require, the commission may order the association to remove the railway from any street or streets, road or roads, provided, however, that an alternate location shall be designated by the board of supervisors, and provided, further, that such removal shall not substantially lessen the income of the association, and provided, further, that the capital investment loss by such removal shall be replaced from earnings as fixed by the commission over a period not exceeding ten years during which time the value of the association's property for rate making purposes shall not be lessened by reason of such loss.

This section shall not be held or construed to be a limitation upon any power of the public utilities commission of the Territory of Hawaii under Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission or any amendments thereto or any other laws relating to public utilities within the Territory of Hawaii.

SECTION 14. Appeal from commission. Every order, decision, approval or direction of the commission made under any of the provisions of this Act shall be made in writing and after notice and hearing and from every order, decision, approval or direction an appeal shall lie to the supreme court of the Territory of Hawaii, in like manner and with like effect as an appeal lies

from an order or decision of a circuit judge at chambers. Such appeal of itself shall not stay the operation of the order, decision, approval or direction appealed from, but the supreme court may stay the same, after a hearing upon motion therefor, upon such conditions as it may deem proper.

This section shall not be construed as meaning that the decision of the supreme court of Hawaii shall be final, but either party may appeal in the proper manner from said supreme court in accordance with all general laws now or hereafter enacted relating to appeals in whatever form from the supreme court of Hawaii; provided, however, that no appeal shall lie beyond said supreme court solely upon the ground of construction of a statute of the United States.

SECTION 15. Penalties. If the association shall violate, or neglect or fail in any particular to conform to or to comply with any of the provisions of this Act or any lawful order of the commission or of the board of supervisors, it shall be liable to a penalty of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) for every such violation, neglect or failure, to be recovered by action brought by either the commission or the board of supervisors in the name of the Territory as the case may be. Any recovery under this section shall be a realization of the commission or the County of Hawaii as the case may be.

SECTION 16. Interfering with operations of railway unlawful. Any person wilfully or maliciously doing any of the following acts, to-wit: obstructing the free passage of the cars along the railway; defacing, marring or injuring the posts, wires or other appliances used in operating the railway; defacing, marring or injuring the cars or other property of the association; using the posts, fences, houses or other property of the association without consent for advertising purposes; or in any other manner inflicting injury to the property or causing annoyance and embarrassment in the enjoyment of the property rights or franchise rights of the association, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment not exceeding three months, or by both such fine and imprisonment.

SECTION 17. Should it become necessary in the prosecution of any public work, or desirable in the public interest, to temporarily stop or suspend operation of cars on any track or line of the association, it may be done on order of the commission and in such case the association shall not be liable for any claim for damages to personal property by reason of the suspension of cars, delay to

business or service or otherwise during the period in which said operation is suspended as aforesaid; and the association shall likewise not be liable if operation is temporarily suspended by act of God or the public enemy or strikes or accidents.

SECTION 18. Police power reserved. This Act shall not be construed to limit the Territory of Hawaii in the exercise of its police powers.

SECTION 19. Forfeiture. Whenever the association refuses, fails or neglects to do, perform, carry out or comply with any Act, matter or thing requisite or required to be done under the provisions of this Act, or any order, direction or regulation of the commission, and shall continue so to refuse, fail or neglect to do, perform, carry out or comply therewith, after due notice by the commission, the commission may have the franchise granted by this Act, and all rights and privileges granted thereunder, forfeited and declared null and void by appropriate proceedings in the nature of quo warranto before the circuit court of the fourth judicial circuit at law without a jury.

SECTION 20. Act 66 of the Session Laws of Hawaii 1911, as amended, is hereby repealed.

SECTION 21. The construction of the railway shall be commenced, and at least the sum of twenty thousand dollars (\$20,000.00) shall have been expended, or contracted to be expended, within two years after the approval of this Act, by the Congress of the United States, and at least two miles of such railway shall have been installed in the district of South Hilo, equipped and ready for transportation of passengers within one year thereafter, and if the said association shall fail to comply with the provisions of time limitation as expressed in this section, then in that case all rights under this Act shall be forfeited, and the privileges hereby granted shall forthwith cease and determine.

SECTION 22. Effective date. This Act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii; subject, however, to the approval of the Congress of the United States, such approval of the Congress to be secured within two years from the date of such approval by the governor.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 245

[S. B. No. 210]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF WIDENING AND CONSTRUCTING FRONT STREET, LAHAINA, MAUI, AND CONSTRUCTING AND EXTENDING THE SEA WALL ALONG SAID STREET.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, for the purpose of widening and constructing Front Street, Lahaina, Maui, and constructing and extending the sea wall along said street from the fishmarket to the intersection of the Lahainaluna Road and Front Street.

SECTION 2. The sum herein appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the superintendent of public works, who shall have charge of the construction of said street and sea wall; provided, that the superintendent of public works shall contract for the construction of said street and sea wall if a satisfactory bid can be obtained; but in case a satisfactory bid cannot be obtained or no bids are received, the superintendent of public works is hereby authorized to perform the work by day labor, but in no case shall the sum spent be in excess of twenty-five thousand dollars (\$25,000.00). Only citizens shall be employed in such work.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 246

[H. B. No. 147]

AN ACT TO AMEND SECTION 2009 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LICENSES TO OPERATE MOTOR VEHICLES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2009 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2009. Character of license. All applicants who fulfill the foregoing requirements and have passed a satisfactory examination shall be given a license to operate a motor vehicle propelled by the kind of power described in the application, which license shall be valid anywhere in the territory, except when suspended or revoked by a judge or a district magistrate.

The certificate of license shall be signed by the examiner of chauffeurs and countersigned by the applicant, and shall certify that the person named therein has been examined by the examiners of chauffeurs and found competent (1) to operate a motor vehicle propelled by steam power, or (2) to operate a motor vehicle propelled by gasoline or other power of a similar character, or (3) that such chauffeur is competent to operate motor vehicles of types propelled by two or more of the said enumerated kinds of power.

Such certificate shall contain a description of the person to whom the certificate is granted as will assist in the identification of the person, such as name, sex, height, complexion, apparent or actual age, and other distinguishing individualities.

Such license to operate a motor vehicle may be revoked by any judge of a circuit court or district magistrate for the following causes:

(1) Conviction of violating any law, relating to the operation, equipment or licensing of any motor vehicles, or of any ordinance relating thereto, whenever such revocation may be authorized by ordinance;

(2) Conviction of being intoxicated by alcoholic liquors, after a prior conviction within twelve months;

(3) Insanity of the licensee or possession of physical defects set forth in sub-sections 3 and 4 of Section 2008, Revised Laws of Hawaii 1925. Before any person's license is revoked for insanity or for failure to possess the qualifications set forth in sub-sections 3 and 4, he shall be entitled to notice and a hearing; such notice to be such as is now or may be hereafter required in civil suits in the court before which such hearing is to be had;

provided, however, that no appeal from any order of a judge or district magistrate suspending or revoking such license shall operate to stay such order of suspension or revocation."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 247

[H. B. No. 178]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A CANE TRANSPORTATION ROAD, FROM KAAUHUUH HOMESTEAD, SERIES 1, TO HAWI, IN THE LAND OF KAHEI, NORTH KOHALA, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of a cane transportation road and purchase of rights of way for same, if necessary, from the Kaauhuhu Homesteads, Series 1, to Hawi, in the land of Kahei and Kaauhuhu, North Kohala, County of Hawaii.

SECTION 2. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said road; provided, however, that the commissioner of public lands may contract with the board of supervisors of the County of Hawaii for the construction of said road, at cost, pursuant to the provisions of Act 6, Special Session Laws of 1918.

SECTION 3. The amount hereby appropriated under this Act shall become available, and the construction of said road shall be commenced as soon as the contract herein provided shall be entered into.

SECTION 4. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated, or as much thereof, as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands on the Island of Hawaii.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 248

[H. B. No. 285]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN KAPAA AND WAIPOULI, IN THE DISTRICT OF KAWAIHAU, ON THE ISLAND AND COUNTY OF KAUAI, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Franchise. The Kapaa Ice and Soda Works Company, Limited, of Kapaa, County of Kauai, Territory of Hawaii, its associates, successors and assigns, (it or they being hereinafter referred to as "the association"), are hereby granted the right, authority and privilege to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the districts of Kapaa and Waipouli, on the Island of Kauai, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and from time to time for the term of fifty years, for the purposes herein mentioned, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said districts of Kapaa and Waipouli, and to connect the said wires, lines and conductors with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object and the place or source of supply.

SECTION 2. Rules and regulations. That the board of supervisors of the County of Kauai is hereby authorized to make and from time to time change, amend, or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If, at any time, the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the board of supervisors of the County of Kauai, after giving the association reasonable notice thereof in writing of its intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus and make such repairs as may be necessary to enforce such rules, and the actual cost thereof may be recovered from the association by the County of Kauai.

SECTION 3. Poles not to interfere with streets. That all poles, lines, wires, cables, lamps, lam_p posts, conductors, conduits, and other apparatus constructed, maintained, or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said districts of Kapaa and Waipouli, shall be so constructed, and maintained and operated by the association as not to interfere unnecessarily with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books and accounts of the association shall at all times be subject to the inspection of the public utilities commission of the Territory of Hawaii and the treasurer of the County of Kauai.

SECTION 5. Meters, charges, reasonableness how determined. That the association shall have the right to maintain, operate, and use electric meters or other means of measuring electric light, power, or current supply from time to time and to locate the same at such places as may be deemed necessary for determining the current supplies or to be supplied by the association. That the association shall have the right to charge, receive and collect from all consumers of electricity such reasonable prices as may, from time to time, be fixed and determined by the association, but

such charge shall not at any time exceed such rate or rates as may be fixed from time to time by the public utilities commission of the Territory of Hawaii; provided, however, that the association shall have the right to charge, receive and collect, from each consumer of electricity, a minimum rate which shall be established by the public utilities commission without regard to the amount of power consumed; and provided, further, that should electricity be required of said association by the Territory of Hawaii, or the County of Kauai, or any successor of either, or of any political subdivision thereof, for public purposes, said association shall charge therefor such rates as shall be fixed by the public utilities commission; and provided, further, that this franchise and the association holding the same shall be subject, as to reasonableness of rates, prices, charges, and in all other respects, to the provisions of chapter one hundred and thirty-two of the Revised Laws of Hawaii, nineteen hundred and twenty-five, creating a public utilities commission in said territory; reserving, however, to said association the right to appeal to the supreme court of Hawaii from every order of said commission as provided in said chapter.

SECTION 6. Extensions of lines and charges for making connections. The public utilities commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of same; provided, that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 7. Charges for making connections. That the association shall have the right to charge consumers or applicants for the use of electricity for one-half of the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used, such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections, the reasonableness of said charges upon the application of any party in interest to be subject to the approval of the public utilities commission; provided, however, that the association shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power, unless the applicant or applicants for such light and power, if required,

shall deposit in advance, with the association, a sum of money sufficient to pay one-half of the cost and expenses of making and constructing such connections and for current for a period of one month in advance. That the association shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet, unless there be an applicant for each three hundred feet of extension, or fraction thereof, and unless such applicant shall, in addition to the other requirements in this Act provided, agree to take, install and maintain five forty-watt lamps or one-horse power of power apparatus for not less than one year.

SECTION 8. Rights to acquire property, limits to. That the said association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 9. Power to borrow money and bonds. That the said association, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof, with interest agreed upon, by mortgage of all or any part of its property, and the franchise and privilege granted or obtained by virtue of this Act; or, if it be deemed advisable, bonds may be issued, secured by deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived, and in such form and under such terms as said association may deem advisable; provided, that nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security; and provided, further, that the association shall not issue stock in excess of the amount paid to it in cash, nor shall issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, in the construction of any part of the works.

SECTION 10. Franchise not exclusive. That it is hereby expressly provided that nothing herein contained shall be construed

to grant to the association an exclusive right to furnish, sell or supply electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such law establishing a public utilities commission or any amendments thereof, and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Kauai, or its successor.

SECTION 11. Forfeiture of franchise. That if said association, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act or the laws of the Territory of Hawaii, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the public utilities commission of the Territory of Hawaii to comply therewith, said public utilities commission may, with the consent of the governor and of the attorney general cause proceedings to be instituted before any appropriate tribunal to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void. And in case of a forfeiture of this franchise, the Territory of Hawaii and County of Kauai, or any political subdivision thereof, shall have the right to purchase all the property of the association within the said districts of Kapaa and Waipouli, at the value thereof, such value to be determined as hereinafter provided; provided, that notice of such desire and intention to purchase is given to the association by the Territory of Hawaii, or the County of Kauai, or any political subdivision thereof within sixty days after the forfeiture of this franchise.

SECTION 12. Rules to enforce rates. That the association shall have the right to discontinue or cut off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association within such reasonable time as said association may, by general rules, fix for the payment of amounts due, and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now or which may hereafter be authorized by law for the recovery and collection of the amount due.

SECTION 13. Annual statement, payment to government. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the County of Kauai, a detailed statement showing all of its receipts and expenditures during the preceding calendar year, and shall, at the time, pay to the treasurer of the said County of Kauai, for and on behalf of said

county, two and one-half per centum of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records and accounts shall at all reasonable times be open to inspection by the treasurer of said county, and his respective agents appointed for such purpose.

22, P. 92. SECTION 14. Exemption from taxation. That all property of every kind and nature, forming or used as part of such electric system, including this franchise, shall be exempt, except as provided in Section 13, from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the date of approval of this Act by the Congress of the United States.

SECTION 15. Time of commencing work. That the rights hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing, transmitting or supplying electric current for light or power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places in said districts, or any of them, for the purpose of conducting electric current for light and power, within two years from and after the date of the approval of this Act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply electric current for light and power, or if electric current for light and power be not supplied within two years after such commencement.

SECTION 16. Amendment and repeal of franchise. This franchise may, at any time, be amended or repealed by the Congress of the United States, or by the legislature of the Territory of Hawaii, with the approval of the Congress of the United States.

SECTION 17. Purchase of all property of association. That the Territory of Hawaii, the County of Kauai, or any political subdivision thereof may, at any time after the expiration of twenty years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the legislature of the Territory of Hawaii, acquire by purchase all of the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of

the franchise or good will, or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the supreme court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence, and transcript of testimony upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the supreme court may, in its behalf, take or require or permit further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 18. Power of Commission. The commission is hereby vested with power and jurisdiction by order to regulate, fix and change all rates, charges, classifications, rules and practices made, charged or observed by the company, the manner in which all property of the company is operated with reference to the safety or accommodation of the public, its form and method of keeping accounts, books and records, and its accounting system, the return upon its property, the incurring of indebtedness and the disposition of its proceeds and income, and to regulate all of its financial transactions, its business relations with other persons, companies, or corporations, its compliance with all applicable territorial and federal laws and with the provisions of its franchise and articles of association, its classifications, rules, regulations, practices and service and all matters of every nature affecting the relations and transactions between it and the public and persons or corporations, and to do all things whether herein specifically designated or in addition thereto which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable and such as shall provide a fair return on the property of the company actually used for public utility purposes, and such orders may be made after a hearing upon its own motion or upon complaint.

This section shall not be held or construed to be a limitation upon any power of the public utilities commission of the Territory of Hawaii under Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission or any amendments thereto or any other laws relating to public utilities within the Territory of Hawaii.

SECTION 19. Act 105 of the Session Laws of Hawaii, 1921, is hereby repealed.

SECTION 20. This Act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within two years from the date of such approval by the governor.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 249

[H. B. No. 444]

AN ACT TO AMEND CHAPTER 18 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 182A, CONCERNING VACATIONS OF PUBLIC EMPLOYEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 18 of the Revised Laws of Hawaii 1925, ^{p 252}is hereby amended by adding thereto a new section to be known as Section 182A, and to read as follows:

43. "Section 182A. Whenever any employee working under a regular monthly salary in any department of the territorial, county and city and county government and is employed continuously without any holiday on the sabbath or half holiday on Saturday, and shall have been employed continuously for at least one year in the same department, he shall be entitled to at least one month's vacation upon full pay for that year and each year thereafter while he remains in the employ of such department; said vacation to be granted to the employee at such time as shall be designated by

the head of the department. Said vacation may be cumulative, but shall not exceed three months."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 250

[H. B. No. 165]

AN ACT PROVIDING FOR THE EMPLOYMENT OF PRISON LABOR ON THE KALAPANA ROAD, COUNTY OF HAWAII, AUTHORIZING THE CONSTRUCTION OF A PRISON CAMP, AND APPROPRIATING FIFTEEN THOUSAND DOLLARS (\$15,000.00) THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

35

SECTION 1. The attorney general and the high sheriff of the territory are hereby authorized to detail for labor, for the public benefit, on the Kalapana Road beginning at the boundary of the Kilauea National Park and running toward Kalapana, in the district of Puna, County of Hawaii, and joining the present government road at Kalapana, not less than forty (40) territorial prisoners.

SECTION 2. The overseers for such prison labor shall be appointed, and their salaries fixed, by the high sheriff with the approval of the attorney general and shall be paid for by appropriation by the board of supervisors of the County of Hawaii. The prisoners shall be under the care of such overseers, subject to the board of supervisors only so far as regards the manner of their employment.

SECTION 3. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the construction of a prison camp and the transportation of prisoners to and from said camp.

SECTION 4. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated shall be disbursed on warrants drawn

by the auditor based on vouchers approved by the high sheriff, who shall have charge of the carrying out of the provisions of this Act.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 251

[H. B. No. 268]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI TO APPROPRIATE TWO THOUSAND DOLLARS (\$2,000.00) FOR THE IMPROVEMENT OF THE HANAPEPE PARK, KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Kauai is hereby authorized to appropriate from the general fund of said county, two thousand dollars (\$2,000.00) for the improvement of the Hanapepe Park, Kauai, set aside for such purpose by executive order 82.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 252

[H. B. No. 356]

AN ACT APPROPRIATING THE SUM OF THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) BY WAY OF ADVANCEMENT FOR THE CONSTRUCTION OF AN EXTENSION OF HAUNANI ROAD FROM KILAUEA ROAD RUNNING NORTHWEST, DISTRICT OF PUNA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three thousand five hundred dollars (\$3,500.00) or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to be expended by way of advancement for the construction of, and building an extension of Haunani Road from Kilauea Road running northwest, District of Puna, County of Hawaii.

SECTION 2. The said sum of three thousand five hundred dollars (\$3,500.00) hereby appropriated, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands, who shall construct such road by contract with or through the County of Hawaii as provided by law.

SECTION 3. The moneys hereby appropriated shall be deemed an advancement out of the general fund, to be reimbursed by the proceeds of sales of lands in Olaa Summer Lots Tract, District of Puna, County of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 253

[H. B. No. 384]

AN ACT APPROPRIATING THE SUM OF SIX THOUSAND DOLLARS (\$6,000.00) FOR THE CONSTRUCTION OF HOMESTEAD ROADS IN THE PUUKAPU HOMESTEAD TRACT, FIRST SERIES, WAIMEA, DISTRICT OF SOUTH KOHALA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of six thousand dollars (\$6,000.00) is hereby appropriated out of any moneys in the treasury of the territory, not otherwise appropriated, for the construction of the main road, through the Puukapu Homesteads, First Series, Waimea, District of South Kohala, County of Hawaii.

SECTION 2. The said sum of six thousand dollars (\$6,000.00) or so much thereof as may be used in the construction of said road shall be repaid into the treasury of the Territory of Hawaii by the commissioner of public lands from proceeds of sales of government lands on the Island of Hawaii.

SECTION 3. The said road shall be constructed under the supervision of the commissioner of public lands and by contract with the board of supervisors of the County of Hawaii, as provided by law.

SECTION 4. Act 146, Session Laws of 1919, is hereby repealed.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 254

[H. B. No. 486]

AN ACT APPROPRIATING THE SUM OF ONE THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$1,250.00) BY WAY OF ADVANCEMENT, FOR THE CONSTRUCTION OF ROADS IN THE PUUKAPU HOMESTEAD TRACT, WAIMEA, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one thousand two hundred and fifty dollars (\$1,250.00) is hereby appropriated, by way of advancement out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of roads in the Puukapu Homestead Tract, Waimea, Hawaii.

SECTION 2. The sum hereby appropriated shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall construct said roads by contract with or through the board of supervisors of the County of Hawaii.

SECTION 3. The said sum or so much thereof as may be expended, shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sales of public lands on the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 255

[S. B. No. 53]

AN ACT TO PROVIDE AN APPROPRIATION OF FIFTY THOUSAND DOLLARS (\$50,000.00) BY WAY OF ADVANCEMENT FOR THE CONSTRUCTION OF THE PALOLO BELT ROAD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The additional sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general revenue of the Territory of Hawaii, not otherwise appropriated, for the construction of the Palolo Belt Road, which road was begun by an appropriation of the Territory of Hawaii in the year 1905.

SECTION 2. The said sum of fifty thousand dollars (\$50,000.00), hereby appropriated, shall be disbursed on warrants drawn by the auditor, based on vouchers drawn by the commissioner of public lands, who shall have charge of the construction of said road.

The board of supervisors of the City and County of Honolulu is hereby authorized, if requested by the commissioner of public lands, to take charge of the construction of said road upon plans and specifications to be prepared therefor by the city and county engineer and approved by the commissioner of public lands.

SECTION 3. The said sum of fifty thousand dollars (\$50,000.00) or so much thereof as may be expended, shall be repaid into the general funds of the territorial treasury from sales of public lands, Island of Oahu.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 256

[S. B. No. 91]

AN ACT MAKING AN APPROPRIATION OF TWENTY THOUSAND DOLLARS (\$20,000.00) FOR THE CONSTRUCTION OF ROADS IN THE KALOPA HOMESTEADS, IN THE DISTRICT OF HAMAKUA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated, to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of roads in the Kalopa Homesteads, in the District of Hamakua, County of Hawaii.

SECTION 2. The said sum of twenty thousand dollars (\$20,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based upon vouchers approved by the commissioner of public lands, who shall cause said roads to be constructed by contract with or through the County of Hawaii.

SECTION 3. The amount hereby appropriated shall be deemed as an advancement out of the general revenues of the territory, and shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sales of public lands upon the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 257

[S. B. No. 243]

AN ACT RELATING TO GAME BIRD FARMING, THE SECURING, DOMESTICATING, AND PROPAGATING OF GAME BIRDS, THE POSSESSION, TRANSPORTATION, USE AND DISPOSITION OF GAME BIRDS, GRANTING CERTAIN POWERS TO AND IMPOSING CERTAIN DUTIES UPON THE BOARD OF FISH AND GAME COMMISSIONERS OF THE TERRITORY OF HAWAII, AND PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For the purpose of encouraging game bird farming and the domestication and propagation of game birds, a game bird farmer's license, which shall authorize the licensee to engage in the business of breeding and selling game birds, as limited herein, shall be issued, subject to the provisions of this Act, by the county or city and county treasurer, upon the presentation of a permit from the board of fish and game commissioners of the Territory of Hawaii, herein referred to as the "commission", or its authorized agent, to any responsible resident person duly applying therefor, such licenses to expire on June 30th of each year.

Q 124/33 The fee for such license shall be twenty-five dollars (\$25.00); provided, however, that this Act shall not be construed to require the granting of licenses to government farms or public parks.

SECTION 2. Any responsible resident person of good character who is a holder of such license may bring within the territory and have the custody of, for the purpose of domestication, propagation or selling, as in this Act provided, any game birds.

Any such game birds brought within the territory or reared in captivity within the territory may be sold or transported for propagation purposes or for food or other purposes if tagged as herein provided.

SECTION 3. Any such licensee may possess, transport or sell any such game birds so brought into this territory or raised in captivity within this territory as hereinafter set forth. The carcasses of such game birds may be possessed, transported or sold at any time, but only if tagged as directed by the commission with an indestructible tag or seal to be supplied by the commission to the licensee upon payment of the actual cost thereof.

When such game bird is used for food, such tags or seals shall remain attached to the carcass or parts thereof as aforesaid until said game bird is ready for consumption. In other cases

such tags or seals shall remain attached to such game bird or parts thereof until received by the purchaser thereof.

SECTION 4. The keeper of a hotel, restaurant, boarding house, or club, or any retail dealer in meats, may sell any such carcass or parts thereof, tagged and sealed as aforesaid, to any patron or consumer for actual consumption, after securing a license for such purposes from the county or city and county treasurer, which license shall cost five dollars (\$5.00) per annum, such licenses to expire June 30 of each year.

SECTION 5. Any common carrier may at any time transport any such game birds, the carcass or part thereof if tagged or sealed as aforesaid, but to every such coop or package containing such tag or sealed game birds, the carcass or parts thereof shall be [Sic] affixed an additional tag or label upon which shall be plainly printed or written the name of the licensee, the name of the consignee, the name of the person by whom the same was tagged or sealed, and the number of game birds, the carcasses or parts thereof contained therein.

SECTION 6. Said licensee shall make quarterly reports on the first day of July, October, January and April to the commission on blanks to be furnished by the commission. Such report shall give a correct statement of the total number of such game birds owned, killed, transported or sold during said period under the provisions of this Act, the names of the persons to whom the same were transported or sold, the names of the persons by whom the same were tagged and sealed, the increase of all classes of game birds, and such other data as the commission may deem necessary for the proper protection of the public and observance of the game laws. Each such report shall be verified by the affidavit of the licensee.

SECTION 7. After first having obtained a permit from the commission, it shall be lawful for any such licensee to obtain any number of game birds from any territorial or state game farms or from city park boards from another county, state or foreign country, or from another licensee as hereinafter provided.

SECTION 8. After obtaining a permit from the commission any such licensee may sell, give away or dispose of the eggs of any of the game birds lawfully in his possession for propagation purposes only, and after said game birds have been taken or secured under the provisions of this Act they may, with the consent of the commission or its authorized agent, be transferred from one licensee to another.

SECTION 9. Game birds maintained upon land enclosed, upon which notice has been posted that the same is a game farm, as provided in the preceding section, shall be the exclusive property of the licensed holder.

SECTION 10. Any member of the commission, its authorized agent or game warden may, at any time enter upon the game farm of said licensee for the purpose of inspection thereof, or for the purpose of enforcing this Act.

SECTION 11. Any person who shall wilfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for a period not to exceed three months or by both such fine and imprisonment in the discretion of the court.

SECTION 12. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 258

[S. B. No. 254]

AN ACT TO APPROPRIATE MONEY FOR THE CONSTRUCTION OF THE
KAAPAHU HOMESTEAD ROAD, IN THE DISTRICT OF HAMAKUA,
COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of nineteen thousand seven hundred forty-seven and 89/100 dollars (\$19,747.89) is hereby appropriated out of funds as hereinafter provided for the purpose of constructing Kaapahu Homestead Road, in the district of Hamakua, County of Hawaii.

SECTION 2. The sum of nineteen thousand seven hundred forty-seven and 89/100 dollars (\$19,747.89) placed in the territorial treasury to the credit of the special fund provided under Act 206 of the Session Laws of 1921 is hereby transferred to a special fund

to be known as "Construction of the Kaapahu Homestead Road, district of Hamakua, County of Hawaii", for the purposes specified in Section 1 hereof, and the auditor of the territory is hereby authorized to make such transfer.

SECTION 3. The said sum of nineteen thousand seven hundred forty-seven and 89/100 dollars (\$19,747.89) hereby appropriated and transferred shall be disbursed upon warrants drawn by the auditor based on vouchers approved by the commissioner of public lands who shall have charge of the construction of said road; provided, that said commissioner shall contract for the construction of said road if a satisfactory bid can be obtained; but in case a satisfactory bid cannot be obtained or no bids are received, he is hereby authorized to perform the work by day labor, but in no case shall the amount spent be in excess of nineteen thousand seven hundred forty-seven and 89/100 dollars (\$19,747.89).

SECTION 4. The amount hereby appropriated under this Act shall be immediately available and the construction of said road shall be commenced as soon as the preliminaries mentioned in Section 3 hereof shall have been complied with.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 259

[S. B. No. 98]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE COUNTY OF HAWAII TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to pay each month, beginning with the month of July, 1925, up to and including the month of June, 1927, the sums set opposite the respective names as follows:

	Per Month
Rosa Carvalho	\$100.00
David K. Baker	25.00
Manuel Caminos	40.00
Mary Gomes	30.00
John Keawehawaii	30.00
William K. Kahaleohu	40.00
William Kamau, Sr.	50.00
Mrs. G. P. Kamauoha.....	40.00
John K. Kekaula	40.00
John G. Lincoln	50.00
John H. Maby	65.00
Robert K. Makahalupa	50.00
William K. Nahale	30.00
Daniel Namahoe	70.00

provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 260

[S. B. No. 115]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to pay each month, beginning with the month of July, 1925, up to and including the

month of June, 1927, the sums set opposite the respective names as follows:

	Per Month
Samuel Hookano	\$100.00
Edward Hore	85.00
Olivia Dias, as guardian for Anjie Abreu, Richard Abreu and Abel Abreu, Minors, for the use and benefit of said minors.. ..	30.00
John Amasiu	75.00
Mrs. Nani Alapai	60.00
Henry J. Andrews	40.00
John Bell	60.00
Joe Benevides	70.00
Mrs. Ester Bishaw	50.00
Martha Kaaiai Branco	75.00
Charles Brede	60.00
Walter H. Bromley	100.00
Maude L. Cottrell	50.00
August Costa	60.00
Dick Kekona Diamond	50.00
Makaio Ehu	60.00
Mrs. J. J. Fern	150.00
F. A. Ferreira	40.00
Gustave H. Gunther	100.00
Claude Haupu	80.00
John Hopu	50.00
Henry Kahoinea Heanu	60.00
Mrs. Abigail Hopkins	50.00
John U. Joseph	60.00
Andrew Kalai	40.00
W. C. Kaikana	80.00
Henry H. Kamauoha	50.00
Mrs. Rosabella Kanepuu	75.00
Lui Kealoha	40.00
John M. Kealoha	40.00
D. P. Kinolau	50.00
Julia Keonaona	75.00
O. B. Larsen	60.00
Mrs. Margaret K. Lehua	50.00
Mrs. J. Fernandez Lewis	75.00
Sam Lili	40.00
Mary Mahukona	75.00
August Martins	40.00
John P. Medeiros	75.00

Louis Mendonca	65.00
Elizabeth Monsarratt	75.00
Halvor Myhre	60.00
Samuel K. Nawelo	40.00
J. K. Paele	50.00
A. R. Pimenta	120.00
Mrs. Henry Paia	40.00
John Stone	70.00
Jordan A. Silva	75.00
Melville T. Simonton	150.00
Samuel Wahineaea	40.00
Henry White	40.00
George H. Wond	100.00
W. S. Wond	50.00
Abbie Zablan	75.00

provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 261

[S. B. No. 142]

AN ACT PROVIDING PENSIONS, NAMING BENEFICIARIES AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants to be issued by the auditor of the Territory of Hawaii, each month, beginning with the month of July, 1925, and to continue such payments up to and including the month of June, 1927, to the following named beneficiaries in the sums set opposite their respective names:

Thomas Allen Ai.....	\$ 50.00	Thomas Aiu	\$75.00
Manuel August	50.00	Louise Bal	50.00
Innocencio Barboza	40.00	Mrs. Emma Barnard ...	40.00
Mrs. Lani Burns	40.00	John Bush	100.00
Mrs. John T. Brown....	50.00	Frederick K. Cockett....	75.00
Henry Cockett	75.00	Mrs. Eben Cushingham..	100.00
James C. Davis	100.00	Mrs. Gladys Deas	40.00
Henry Espinda	75.00	Jose Maria Gomes	50.00
T. H. Gibson	150.00	Augusta H. Green.....	30.00
J. M. Camara	75.00	Alexander George	40.00
John F. Haglund	75.00	Mrs. Wm. Henry	50.00
Mrs. Nahora Hipa	40.00	Henry Hickey	75.00
Robert Holbron	75.00	William Bruce Hopkins	145.00
John Jardin	50.00	Maud E. Jordan	50.00
Peter N. Kahokuoluna..	40.00	Jack Kahunakala	50.00
J. W. Kalua	75.00	Annie Kanakanui	100.00
J. K. Abraham Kaimana	30.00	John Kanae	75.00
Mrs. Matthew Kane	60.00	J. K. Kapuniai.....	80.00
John K. Keliikahi	50.00	K. Karratti	25.00
Mrs. G. W. R. King....	60.00	Charlotte Lowden	75.00
Florence Lynch	60.00	John Macaulay	100.00
Albert McGurn	75.00	Charlotte A. Mumford..	50.00
Ferdinand Mosher	100.00	Miss Sadie McLain	60.00
Nicolena Norgaard	75.00	Henry E. Peterson	50.00
Benjamin Pahukula	40.00	John Palmer	100.00
George Peka	75.00	Rosalie Putnam	50.00
Andre Silva	50.00	Paul F. Smith	50.00
Elijah Sniffen	75.00	Frank Stillman	50.00
Dr. W. A. Schwallie....	150.00	Mary Stolz	40.00
John Thomas	90.00	Mrs. Moses Ulunahele..	50.00
Hose Pereira Vivella ..	50.00	Robert Parker Waipa...	125.00
George Weight	75.00	Mildred Yoder	75.00

provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position with the Territory of Hawaii or any political subdivision thereof.

Such payments are hereby appropriated out of the moneys received in the treasury from the general revenues.

SECTION 2. This Act shall take effect from and after July 1, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 262

[S. B. No. 295]

AN ACT RELATING TO GARNISHMENT, AMENDING SECTIONS 2826 AND 2827 OF THE REVISED LAWS OF HAWAII 1925, AND SECTIONS 2828 AND 2833 OF SAID REVISED LAWS, AND REPEALING SECTIONS 2835, 2836, 2837 AND 2838 OF SAID REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

27. P. 97
P. 60 SECTION 1. Section 2826 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Section 2826. Process. When any goods or effects of a debtor are concealed in the hands of his attorney, agent, factor or trustee, so that they cannot be found to be attached or levied upon, or when any debt is due from any person to a debtor, or when any debtor is in receipt of any salary, stipend, wages or annuity from any person, any creditor may bring his action against such debtor, and in his petition for process or by subsequent ex parte motion and amendments of the declaration at any time before judgment may request the court to insert in the process a direction to the officer serving the same to leave a true and attested copy thereof with such attorney, agent, factor, trustee, or such person from whom such debt is owing or from whom such debtor is in receipt of any salary, stipend, wages or annuity, or at his usual place of abode, and to summon such attorney, agent, factor, trustee, or other person to appear personally upon the day or term mentioned and appointed in said process for hearing said action or upon any other day or term appointed by the court and then and there on oath to disclose whether he has or at the time said copy was served had any of the goods or effects of the defendant in his hands, and, if so, the nature, amount and value thereof, or is or at said time of service was indebted to him, and, if so, the nature and amount of the debt, and whether the defendant is or at said time of said service was in receipt from him of any salary, stipend, wages or annuity, and, if so, the amount or rate thereof; which summons and direction shall be signed and issued in the same manner as summonses are usually signed and issued in civil actions, and shall be served by the officer according to such direction, and from the time of leaving such copy all the goods and effects of the defendant then in the hands of such attorney, agent, factor or trustee, and every debt then owing from such person to defendant, and twenty-five per cent of such salary, stipend, wages or annuity, if any, whether then or thereafter to become owing, shall be secured in his hands to pay such judgment as the plaintiff shall recover in said action, and may not be otherwise disposed of by

such attorney, agent, factor, trustee or other person, and such notice shall be sufficient notice to the defendant to enable the plaintiff to bring that action to trial, unless the defendant be an inhabitant of this territory, or has some time resided therein, and then a like copy shall be served personally upon him or left at his last and usual place of abode; provided always that if summons against the garnishee be obtained by ex parte motion and amendment of the declaration at any time after the original issuance of process, the defendant need not be served with process again.

So, also, in any such action brought by a creditor against a debtor, the creditor may, after judgment rendered in his favor, and whenever the goods or effects of the debtor are concealed in the hands of his attorney, agent, factor or trustee, so that they cannot be found to be obtained or levied upon, or when any debt is due from any person to the debtor, or when any debtor is in receipt of any salary, stipend, wages or annuity from any person, request the court to summon such attorney, agent, factor, trustee, debtor, or other person or entity aforesaid, to appear personally upon a day or term appointed in the summons for hearing said cause as against the garnishee, and then and there on oath to disclose whether he has or at the time the summons was served had any of the goods or effects of the defendant in his hands, and, if so, the nature, amount and value thereof, or is or at said time of service was indebted to him, and, if so, the nature and amount of the debt, and whether the defendant is or at said time of service was in receipt from him of any salary, stipend, wages or annuity and, if so, the amount or rate thereof; which summons shall be signed and issued in the same manner as summonses are usually signed and issued in civil actions, and shall be served by the officer according to such direction, and from the time of leaving such copy all the goods and effects of such attorney, agent, factor or trustee, and every debt then owing from such person to the defendant and twenty-five per cent of such salary, stipend, wages or annuity, if any, whether then or thereafter to become owing, shall be secured in his hands to pay the judgment already recovered by the creditor against the defendant, and may not be otherwise disposed of by such attorney, agent, factor, trustee, debtor or other person.

Provided, however, that any person so summoned, whether before or after judgment, as an attorney, agent, factor, trustee or debtor of any defendant, or otherwise as aforesaid, may file in the court issuing the summons, on or before the return day thereof, a return, under oath, which shall set out fully what goods or effects, if any, of the defendant are or at said time of service were in his hands; and what debts, if any, are or at said time of service were owing from him to defendant, or whether the defendant is or at said time of service was in receipt from him of any salary, stipend, wages or annuity, and the amount or rate thereof, if any. A copy

of such return shall be served on the plaintiff or his attorney on or before such return day. The filing of such return shall be deemed prima facie a compliance with the summons, provided that either party to the action may, upon written notice served upon the garnishee, require such garnishee to appear and be examined orally under oath as to such disclosure or as to his liability as such garnishee.

And provided, further, that at any time, after service of summons, the court, upon the consent of the plaintiff or upon motion of the defendant or of the garnishee, and notice to the plaintiff, may determine whether such goods, effects, debts, salary, stipend, wages or annuity, if any, so secured are excessive in amount in comparison with the amount of the judgment that the plaintiff might obtain in such action, and, if so, what part thereof is a reasonable amount to be so secured, and may thereupon release the remainder thereof from being so secured."

SECTION 2. Section 2827 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

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"Section 2827. Garnishee, rights, duties. Such attorney, agent, factor, trustee or debtor shall, when summoned before judgment rendered against his principal, if he so desires, be admitted to defend his principal in such suit, and if judgment be rendered in favor of the plaintiff, and likewise in all cases in which the garnishee is summoned after judgment, all the goods and effects so secured in the hands of such attorney, agent, factor or trustee, and the debt so secured, owing from such debtor, and the salary, stipend, wages or annuity so secured, or such part thereof as may be sufficient for that purpose, shall be liable to pay the same, and the plaintiff on praying out execution, may direct the officer serving the same to make demand of such attorney, agent, factor or trustee of the goods and effects of the defendant so secured in his hands, whose duty it will be to expose the same to be taken on the execution, and also to make demand of such debtor for the debt so secured, and for the salary, stipend, wages, or annuity so secured, or such part thereof as may satisfy said judgment, and it shall be the duty of the said debtor to pay the same, and if such attorney, agent, factor or trustee shall have in any manner disposed of such goods and effects or his principal, and shall not expose and subject them to be taken on execution, or if such debtor shall not pay to the officer, when demanded, such debt or such salary, stipend, wages, or annuity, such attorney, agent, factor, trustee or debtor shall be liable to satisfy such judgment out of his own estate, as his proper debt, if such goods or effects or debt or salary, stipend, wages, or annuity be of sufficient value or amount and, if not, then to the value of the same.

Provided, however, that every such attorney, agent, factor, trustee or debtor, whether summoned before or after judgment shall be allowed to retain or deduct from the goods, effects and credits of the defendant in his hands at said time of service all demands against the defendant of which he could have availed himself if he had not been garnisheed, whether the same are at the time due or not, and whether by set-off on a trial or by set-off of judgments or executions between himself and the defendant, and shall be liable for only the balance after adjustment of all mutual demands between himself and the defendant, provided that in such adjustment no demands for unliquidated damages for wrongs or injuries shall be included, and that the judgment shall show the amount of any set-off."

SECTION 3. Section 2828 of the Revised Laws of Hawaii 1925, L. 1925, P. 9, is hereby amended so as to read as follows:

"Section 2828. Amount withheld. If it shall appear in any cause wherein service has been made, whether before or after judgment, as provided by law, upon any attorney, agent, factor or trustee of a defendant, that such defendant is in receipt of any salary, stipend, wages, or annuity from such attorney, agent, factor or trustee, the court shall order and direct such attorney, agent, factor, or trustee not to pay to such defendant or permit or cause to be paid to him more than seventy-five per cent of such salary, stipend, wages, or annuity, which shall then be or shall thereafter become due, owing or payable to such defendant until the suit against him shall have been finally determined and the final judgment obtained against him, if any, shall have been fully paid with legal interest thereon; provided, however, that no more of such salary, stipend, wages, or annuity shall be thus withheld from said defendant in advance of final judgment than shall be sufficient to meet the demand of the plaintiff or plaintiffs in such suit or suits together with costs and legal interest. See a 172/3.

SECTION 4. Section 2833 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Section 2833. Execution, when. If the said attorney, agent, factor or trustee or debtor fails to appear upon the day and hour of hearing named in the summons or writ above mentioned, or if, having appeared, he refuses to disclose upon oath whether he has goods or effects of the defendant in his hands, and their nature and value, or whether a debt is due from him to the debtor and its amount, the case shall proceed to trial, and if the plaintiff recovers a judgment, execution shall issue at his request, against the estate of such contumacious attorney, agent, factor, trustee or debtor, for the amount of such judgment as his own proper debt, and the lawful costs; provided that if it appears, that the goods

and effects are of less value and the debt of less amount than the judgment recovered against the debtor, judgment shall be rendered against the garnishee to the value of the goods or the amount of the debt, and if it appears that the garnishee has no goods or effects of such debtor in his hands, or is not indebted to him, then he shall recover his lawful costs. But if he appears and on oath discloses fully whether he has in his hands the goods or effects of, or is indebted to the defendant, and it appears to the court that he has no such goods or effects, or is not so indebted, then judgment shall be given for him, and he shall recover his lawful costs."

SECTION 5. Sections 2835, 2836, 2837 and 2838 of the Revised Laws of Hawaii 1925, are hereby repealed.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 263

[H. B. No. 187]

AN ACT MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1927.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the following sums, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter specified, for the biennial period ending June 30, 1927, out of any money received in the treasury from the general revenues not otherwise appropriated:

JUDICIARY

Supreme Court	\$ 64,420.00
For current expenses to be paid on the basis of the following schedule	\$ 43,920.00
Personal services.....	\$ 35,040.00

Chief clerk..\$ 8,400.00		
Other personal services	26,640.00	
	<hr/>	
Other current expenses	8,880.00	
	<hr/>	
For acquisition of prop-erty	20,500.00	
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Equipment	20,500.00	
Land Court		17,400.00
For current expenses to be paid on the basis of the following schedule	\$ 16,400.00	
Personal services	\$ 15,050.00	
Other current expenses	1,350.00	
	<hr/>	
For acquisition of prop-erty	1,000.00	
	<hr/>	
Equipment	\$ 1,000.00	
	<hr/>	
District Court, Kalawao..		1,225.00
For current expenses to be paid on the basis of the following schedule	1,225.00	
	<hr/>	
Personal services	\$ 1,200.00	
Supplies	25.00	
	<hr/>	
Total, Judiciary....		<hr/> \$ 83,045.00 <hr/>

THE GOVERNOR

Governor's Office and Washington Place.....		\$ 27,975.00
For current expenses to be paid on the basis of the following schedule	\$ 27,975.00	
	<hr/>	
Personal services	\$ 15,960.00	
Wages, Wash-ington Place employees ..\$ 5,560.00		

Salaries, Governor's office
employees .. 10,400.00

Other current expenses 12,015.00

Governor's Contingent Fund 50,000.00

From which expenditures may be made only with the approval of the Governor and only for urgent needs for which no specific appropriation is made herein or otherwise, a detailed account of all of which expenditures shall be submitted to the next legislature; provided, however, that no expenditure shall be made out of this fund to increase any salary.

For current expenses and equipment \$ 50,000.00

Total, The Governor \$ 77,975.00

ATTORNEY GENERAL

Attorney General's Office \$ 92,600.00

For current expenses to be paid on the basis of the following schedule \$ 91,100.00

Personal services \$ 75,600.00

Attorney general \$15,600.00

Other personal services 60,000.00

Other current expenses 15,500.00

Acquisition of property.. 1,500.00

Equipment \$ 1,500.00

High Sheriff and Territorial Prison	296,570.00
For current expenses to be paid on the basis of the following schedule.....	263,420.00
Personal services.....\$139,320.00	
High sheriff and warden.\$ 8,400.00	
Other personal services ....130,920.00	
<u>Other current expenses</u> 124,100.00	
Acquisition of property..	<u>33,150.00</u>
Equipment \$ 13,150.00	
Motor vehicles \$11,250.00	
Other equipment 1,900.00	
<u>Buildings and improvements</u> 20,000.00	
Garage shed and cottages \$20,000.00	
Total, Attorney General	<u>\$ 389,170.00</u>

AUDITING DEPARTMENT

Auditor's Office.....	\$ 110,400.00
For current expenses to be paid on the basis of the following schedule	\$104,400.00
Personal services.....\$ 91,600.00	
Auditor ....\$12,000.00	
Deputy auditor 10,800.00	
Other personal services . . . 58,800.00	

Compensation
for extra
clerical help
to be used
only in case
of consoli-
dating de-
partments.. 10,000.00

Other current expenses 12,800.00

For acquisition of prop-
erty 6,000.00

Equipment \$ 6,000.00

Total, Auditing De-
partment \$ 110,400.00

MILITARY

National Guard \$ 59,300.00

For current expenses to be
paid on the basis of the
following schedule. \$ 47,300.00

Personal services \$ 28,700.00

Adjutant gen-
eral \$ 7,200.00

Other personal
services . . . 15,500.00

Aid to gov-
ernor 6,000.00

51 Other current expenses 18,600.00

For acquisition of prop-
erty 9,500.00

Equipment \$ 1,000.00

Buildings and Improve-
ments 8,500.00

51 Armory, Li-
hue \$ 5,500.00

Honomu gar-
age and ap-
proach 3,000.00

For capital outlays for rights and obligations..	2,500.00	
Surveys lost govern- ment property	\$ 2,500.00	
Total, Military.....		\$ 59,300.00

PUBLIC INSTRUCTION

Foreign Language School		\$ 8,000.00
For capital outlays for rights and obligations...	\$ 8,000.00	
Additional working cap- ital	\$ 8,000.00	
Total, Public Instruc- tion		\$ 8,000.00

PUBLIC LANDS

Office of the Commissioner		\$ 124,000.00
For current expenses to be paid on the basis of the following schedule	\$121,800.00	
Personal services.....	\$ 98,000.00	
Commission- er	\$11,400.00	
Other personal services ...	86,600.00	
Other current expenses	23,800.00	
For acquisition of prop- erty	2,200.00	
Equipment	\$ 2,200.00	
Motor vehi- cles	\$ 1,000.00	
Other equip- ment	1,200.00	

Board of Public Lands...		1,500.00
For current expenses to be paid on the basis of the following schedule	1,500.00	
Personal services.....\$	500.00	
Other current expenses	1,000.00	
*Board of Appraisers....		7,000.00
For current expenses to be paid on the basis of the following schedule	\$ 7,000.00	
Personal services.....\$	6,000.00	
Other current expenses	1,000.00	
Division of Hydrography		59,200.00
For current expenses and equipment	\$ 59,200.00	
Division of Topography..		50,000.00
For current expenses and equipment	\$ 50,000.00	
Total, Public Lands.		\$ 241,700.00

PUBLIC WORKS

Office of the Superintendent		\$ 50,280.00
For current expenses to be paid on the basis of the following schedule	\$ 48,780.00	
Personal services.....\$	42,280.00	
Superintendent	\$14,400.00	
Other personal services ...	27,880.00	
Other current expenses	6,500.00	
For acquisition of property	1,500.00	
Equipment, motor vehicles	\$ 1,500.00	

Public Buildings and Grounds Service.....		98,240.00
For current expenses to be paid on the basis of the following schedule	68,240.00	
Personal services.....\$	48,240.00	
Other current expenses	20,000.00	
	<hr/>	
For acquisition of prop- erty	30,000.00	
	<hr/>	
Equipment \$	30,000.00	
	<hr/>	
New Powder Magazine, Honolulu		10,000.00
For current expenses....	\$ 10,000.00	
	<hr/>	
Recasing and plugging Territorial artesian wells		22,500.00
For current expenses....	\$ 22,500.00	
	<hr/>	
Maintenance, additions, repairs to and tearing down or removal of gov- ernment property:		
Island of Oahu.....		65,160.00
For current expenses to be paid on the basis of the following schedule	64,950.00	
Personal services.....\$	6,000.00	
Other current expenses	58,950.00	
	<hr/>	
For acquisition of prop- erty	210.00	
	<hr/>	
Equipment \$	210.00	
	<hr/>	
Island of Hawaii.....		6,500.00
For current expenses to be paid on the basis of the following schedule	\$ 6,500.00	
	<hr/>	
Personal services.....\$	750.00	
Other current expenses	5,750.00	
	<hr/>	
Island of Maui.....		3,500.00

For current expenses to be paid on the basis of the following schedule	\$ 3,500.00	
Repairs	\$ 3,500.00	
Armories ...	\$ 1,500.00	
Other territorial build- ings	2,000.00	
Island of Kauai.....		1,000.00
For current expenses to be paid on the basis of the following schedule	\$ 1,000.00	
Repairs	\$ 1,000.00	
Sidewalks, Territorial lots For acquisition of prop- erty	\$ 1,500.00	1,500.00
Improvements to land	\$ 1,500.00	
Electric current for fur- nishing water, Capitol grounds		1,000.00
For current expenses to be paid on the basis of the following schedule	\$ 1,000.00	
Personal services	\$ 100.00	
Other current expenses	900.00	
Repairs to National Guard Armories		45,000.00
For current expenses to be paid on the basis of the following schedule	\$ 45,000.00	
Repairs, Honolulu	\$ 45,000.00	
American Association of State Highway Officials.		2,000.00
For current expenses....	\$ 2,000.00	

Waikiki Drainage Canal..		10,000.00
For current expenses to be paid on the basis of the following schedule	\$ 10,000.00	
Maintenance	\$ 10,000.00	
Total, Public Works		\$ 316,680.00

SECRETARY

Secretary's Office		\$ 19,800.00
For current expenses to be paid on the basis of the following schedule	\$ 19,280.00	
Personal services.....	\$ 16,800.00	
Chief clerk..	\$ 6,000.00	
Other personal services ...	10,800.00	
Other current expenses	2,480.00	
For acquisition of prop- erty	\$ 520.00	
Equipment	\$ 520.00	
Election Expenses		20,000.00
For current expenses....	\$ 20,000.00	
Expenses, Hawaiian Birth Registration		5,000.00
For current expenses....	\$ 5,000.00	
Expenses, Publication Laws of Hawaii.....		2,500.00
For current expenses....	\$ 2,500.00	
Total, Secretary.....		\$ 47,300.00

SURVEY DEPARTMENT

General Office.....	\$ 50,770.00
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For current expenses to be paid on the basis of the following schedule	\$ 48,350.00	
Personal services	\$ 41,100.00	
Surveyor ...	\$10,800.00	
Other personal services ...	30,300.00	
	<u> </u>	
Other current expenses	7,250.00	
For acquisition of property	<u>2,420.00</u>	
Equipment	\$ 2,420.00	
Field force.....		98,530.00
For current expenses to be paid on the basis of the following schedule	\$ 97,080.00	
Personal services.....	\$ 79,680.00	
Chief assistant	\$ 9,000.00	
Other personal services ...	70,680.00	
	<u> </u>	
Other current expenses	17,400.00	
For acquisition of property	<u>1,450.00</u>	
Equipment	\$ 1,450.00	
Motor vehicles	\$ 900.00	
Other equipment	550.00	
	<u> </u>	
Total, Survey Department		<u>\$ 149,300.00</u>

TREASURY DEPARTMENT

Office of the Treasurer..	\$ 61,900.00
For current expenses to be paid on the basis of the following schedule	\$ 58,200.00

Personal services.....	\$ 51,600.00	
Treasurer ..	\$11,400.00	
Other personal services ...	40,200.00	
	<u> </u>	
Other current expenses	6,600.00	
	<u> </u>	
For acquisition of prop- erty		3,700.00
	<u> </u>	
Equipment	\$ 3,700.00	
	<u> </u>	
Deputy Bank Examiner..		50,350.00
For current expenses to be paid on the basis of the following schedule.....		\$ 49,600.00
Personal services	\$ 39,600.00	
Other current expenses	10,000.00	
	<u> </u>	
For acquisition of prop- erty		750.00
	<u> </u>	
Equipment	\$ 750.00	
	<u> </u>	
Insurance Commissioner.		13,250.00
For current expenses to be paid on the basis of the following schedule.....		\$ 12,500.00
Personal services	\$ 7,200.00	
Special assist- ant fire mar- shal	\$ 7,200.00	
	<u> </u>	
Other current expenses	5,300.00	
	<u> </u>	
For acquisition of prop- erty		750.00
	<u> </u>	
Equipment	\$ 750.00	
	<u> </u>	
Expenses, Official Bonds		8,400.00
For current expenses....	\$ 8,400.00	
	<u> </u>	
Bureau of Conveyances..		102,400.00

For current expenses to be paid on the basis of the following schedule.....	\$102,400.00	
Personal services.....\$ 95,400.00		
Registrar ...\$ 9,000.00		
Other personal services ... 86,400.00		
Other current expenses 7,000.00		
Public Debt Service.....		921,170.00
For current expenses to be paid on the basis of the following schedule.....	\$ 19,170.00	
Personal service\$ 12,000.00		
Bankers Trust Co., Fiscal Agents\$ 8,000.00		
Other personal services ... 4,000.00		
Other current expenses 7,170.00		
For fixed charges.....	902,000.00	
Interest on public debt.\$902,000.00		
Bureau of Taxes—First Division		250,145.00
For current expenses to be paid on the basis of the following schedule.....	\$245,170.00	
Personal services .....\$228,720.00		
Assessor ...\$11,400.00		
Other personal services and commissions 217,320.00		
Other current expenses 16,450.00		
For acquisition of property	4,975.00	
Equipment \$ 4,975.00		

Bureau of Taxes—Second Division		60,100.00
For current expenses to be paid on the basis of the following schedule	\$ 56,600.00	
Personal services	\$ 49,600.00	
Assessor	\$10,200.00	
Other personal services and commissions	39,400.00	
Other current expenses	7,000.00	
For acquisition of property	3,500.00	
Equipment	\$ 3,500.00	
Motor vehicles	\$ 2,000.00	
Other equipment	1,500.00	
Bureau of Taxes—Third Division		93,775.00
For current expenses to be paid on the basis of the following schedule	\$ 88,760.00	
Personal services	\$ 80,260.00	
Assessor	\$10,200.00	
Other personal services and commissions	70,060.00	
Other current expenses	8,500.00	
For acquisition of property	5,015.00	
Equipment	\$ 5,015.00	
Motor vehicles	\$ 1,375.00	
Other equipment	2,215.00	

Kamuela Office	1,425.00	
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Bureau of Taxes—Fourth Division		49,110.00
For current expenses to be paid on the basis of the following schedule		
Personal services	\$ 42,760.00	\$ 47,360.00
Assessor ...	\$ 9,000.00	
Other personal services and commissions	33,760.00	
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Other current expenses	4,600.00	
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For acquisition of property		1,750.00
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Equipment	\$ 1,750.00	
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Motor vehicles	\$ 1,000.00	
Furniture and fixtures ...	750.00	
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Bureau of Income Taxes		73,532.00
For current expenses to be paid on the basis of the following schedule		
Personal services	\$ 56,000.00	\$ 70,100.00
Income Tax Assessor ...	\$ 9,600.00	
Other personal services ...	46,400.00	
<hr/>		
Other current expenses	14,100.00	
<hr/>		
For acquisition of property		3,432.00
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Equipment	\$ 3,432.00	
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Motor vehicles	\$ 1,130.00	

Furniture and fixtures . . .	2,302.00	
<hr/>		
Tax Books and Blanks...		35,000.00
For current expenses....	\$ 32,000.00	
For acquisition of prop- erty	3,000.00	
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Equipment	\$ 3,000.00	
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Taxation Maps		35,000.00
For current expenses to be paid on the basis of the following schedule.....	\$ 32,170.00	
Personal services.....	\$ 30,120.00	
Civil engi- neer	\$ 7,200.00	
Other personal services . . .	22,920.00	
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Other current expenses	2,050.00	
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For acquisition of prop- erty	2,830.00	
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Equipment	\$ 2,830.00	
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Tax Appeals.....		8,550.00
For current expenses to be paid on the basis of the following schedule.....	\$ 8,550.00	
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Personal services.....	\$ 8,150.00	
Other current expenses	400.00	
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Total, Treasury De- partment		\$1,762.682.00
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BOARD OF AGRICULTURE AND FORESTRY

Board of Administration.		\$ 31,850.00
For current expenses to be paid on the basis of the following schedule.....	\$ 31,400.00	
Personal services	\$ 26,400.00	

Executive of- ficer	\$10,800.00	
Other personal services ...	15,600.00	
	<hr/>	
Other current expenses	5,000.00	
	<hr/>	
For acquisition of prop- erty		450.00
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Equipment	\$ 450.00	
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Division of Forestry		129,325.00
For current expenses to be paid on the basis of the following schedule		\$110,240.00
Personal services	\$ 97,800.00	
Assistant sup- erintendent of forestry .	\$ 6,000.00	
Other personal services ...	91,800.00	
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Other current expenses	12,440.00	
	<hr/>	
For acquisition of prop- erty		19,085.00
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Equipment	\$ 3,085.00	
Motor vehi- cle	\$ 3,085.00	
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Building	1,000.00	
Construction Hilo Home for Ranger .	\$ 1,000.00	
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Permanent improvement to land	\$ 15,000.00	
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Fences	\$15,000.00	
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Division of Entomology proper		21,810.00
For current expenses to be paid on the basis of the following schedule		\$ 15,660.00

Personal services.....	\$ 13,560.00	
Entomologist	\$ 7,200.00	
Other personal services ...	6,360.00	
	<u> </u>	
Other current expenses	2,100.00	
	<u> </u>	
For acquisition of property		1,150.00
Equipment	\$ 1,150.00	
	<u> </u>	
For beneficial insects, birds and lantana extermination		5,000.00
	<u> </u>	
Current expenses.....	\$ 5,000.00	
	<u> </u>	
Division of Plant Inspection		35,775.00
For current expenses to be paid on the basis of the following schedule.....		33,725.00
Personal services.....	\$ 30,000.00	
Chief Plant Inspector ..	\$ 7,200.00	
Other personal services ...	22,800.00	
	<u> </u>	
Other current expenses	3,725.00	
	<u> </u>	
For acquisition of property		2,050.00
	<u> </u>	
Equipment	\$ 2,050.00	
	<u> </u>	
Division of Animal Industry proper		85,860.00
For current expenses to be paid on the basis of the following schedule.....		\$ 83,110.00
Personal services.....	\$ 66,600.00	
Territorial veterinarian	\$10,800.00	
Other personal services ...	55,800.00	
	<u> </u>	

Other current expenses 16,510.00

For acquisition of prop-
erty 2,750.00

Equipment \$ 2,750.00

Motor vehi-
cles \$ 2,500.00

Other equip-
ment 250.00

P 10 Division of Animal Industry:

Animal Quarantine Sta-
tions 8,000.00

For acquisition of prop-
erty \$ 8,000.00

Buildings and improve-
ments \$ 8,000.00

For continu-
ing construc-
tion of Ho-
nolulu Ani-
mal Quar-
antine Station \$ 8,000.00

Office and Laboratory
Building and Garage 5,000.00

For acquisition of prop-
erty \$ 5,000.00

Equipment \$ 5,000.00

Eradication of Bovine
Tuberculosis 47,800.00

For current expenses to be
paid on the basis of the
following schedule \$ 2,800.00

Personal services \$ 500.00

Other current expenses 2,300.00

For capital outlays for
rights and obligations 45,000.00

Refunds, awards and indemnities	\$ 45,000.00	
Eradication of Goats		5,000.00
For current expenses to be paid on the basis of the following schedule	\$ 5,000.00	
Personal services	\$ 1,500.00	
Other current expenses	3,500.00	
Total, Board of Agriculture and Forestry		\$ 370,420.00

BOARD OF HARBOR COMMISSIONERS

Board of Harbor Commissioners Proper		\$ 27,090.00
For current expenses to be paid on the basis of the following schedule	\$ 26,840.00	
Personal services	\$ 23,090.00	
Chief clerk	\$ 7,800.00	
Other personal services	15,290.00	
Other current expenses	3,750.00	
For acquisition of property	250.00	
Equipment	\$ 250.00	
Harbor Master and Pilots		104,775.00
For current expenses to be paid on the basis of the following schedule	\$ 99,025.00	
Personal services	\$ 77,400.00	
Harbor master	\$ 8,400.00	
Other personal services	69,000.00	
Other current expenses	21,625.00	

For acquisition of prop- erty	5,750.00	
Equipment	\$ 5,750.00	
Motor vehi- cles	\$ 2,000.00	
New engine and installa- tion Hilo pilot boat ..	3,500.00	
Other equip- ment	250.00	
Fire boats		6,000.00
For fixed charges, sub- sidy	\$ 6,000.00	
Marine Railway		1,000.00
For current expenses: rentals	\$ 1,000.00	
Maintenance and addi- tions, landings, wharves and pipelines		244,600.00
For current expenses to be paid on the basis of the following schedule	\$207,820.00	
Personal services	\$147,720.00	
Other current expenses	60,100.00	
For acquisition of prop- erty	36,780.00	
Equipment	\$ 10,280.00	
Reconstruction of sub- structure and shed, Pier 6	26,500.00	
Dredging Honolulu harbor		50,000.00
For current expenses to be paid on the basis of the following schedule	\$ 1,000.00	
Personal services	\$ 975.00	
Other current expenses	25.00	

For acquisition of prop- erty	49,000.00	
Dredging Honolulu har- bor	\$ 49,000.00	
Removal old Custom House buildings and im- provement of site, and re- modelling old Territorial warehouse		20,000.00
For current expenses to be paid on the basis of the following schedule	\$ 2,000.00	
Personal services	\$ 1,975.00	
Other current expenses	25.00	
For acquisition of prop- erty	18,000.00	
Purchase of land	\$ 18,000.00	
Total, Board of Har- bor Commissioners		\$ 453,465.00

BOARD OF HEALTH

General office		\$ 80,300.00
For current expenses to be paid on the basis of the following schedule	\$ 77,300.00	
Personal services	\$ 57,700.00	
President	\$14,400.00	
Other personal services	43,300.00	
Other current expenses	19,600.00	
For acquisition of prop- erty	3,000.00	
Equipment	\$ 3,000.00	
Motor vehi- cles	\$ 2,200.00	

Other equip- ment	800.00	
Vital Statistics.....		49,450.00
For current expenses to be paid on the basis of the following schedule		
Personal services.....	\$ 30,000.00	\$ 44,450.00
Registrar gen- eral	\$ 6,000.00	
Other personal services ...	24,000.00	
Other current expenses	14,450.00	
For acquisition of prop- erty		5,000.00
Equipment	\$ 5,000.00	
Sanitary Engineering....		16,000.00
For current expenses to be paid on the basis of the following schedule.....		\$ 16,000.00
Personal services	\$ 13,625.00	
Sanitary en- gineer	\$ 9,600.00	
Other personal services	4,025.00	
• Other current expenses	2,375.00	
Sanitation		172,990.00
For current expenses to be paid on the basis of the following schedule.		\$166,590.00
Personal services	\$144,640.00	
Chief sanitary inspector ...	\$ 7,200.00	
Other personal services ...	137,440.00	
Other current expenses	21,950.00	
For acquisition of prop- erty		6,400.00

Equipment	\$ 6,400.00		
Motor vehi- cles	\$ 6,300.00		
Other equip- ments	100.00		
Mosquito campaign		7,500.00	
For current expenses to be paid on the basis of the following schedule	\$ 7,500.00		
Personal services	\$ 4,300.00		
Special and miscellane- ous current expenses	3,200.00		
Plague campaign		65,690.00	
For current expenses to be paid on the basis of the following schedule	\$ 54,900.00		[Sic]
Personal services	\$ 37,110.00		
Inspector	\$ 4,200.00		
Other personal services	32,910.00		
Other current expenses	17,880.00		
For acquisition of prop- erty	10,700.00		
Equipment	\$ 2,200.00		
Motor vehi- cles	\$ 1,200.00		
Other equip- ment	1,000.00		
Land, buildings and im- provements	8,500.00		
Land and buildings, Honokaa	\$ 5,000.00		
Morgue	1,500.00		
Rat labora- tory, Hono- lulu	2,000.00		

Quarantine Service:		
General service.....		61,650.00
For current expenses to be paid on the basis of the following schedule	\$ 60,450.00	
Personal services	\$ 23,000.00	
Quarantine officer H o-nolulu	\$ 3,600.00	
Other personal services ...	19,400.00	
	<u>37,450.00</u>	
Other current expenses		37,450.00
For acquisition of property	1,200.00	
	<u>1,200.00</u>	
Equipment	\$ 1,200.00	
Motor vehicles	\$ 1,200.00	
	<u>2,400.00</u>	
Quarantine Stations.....		24,850.00
For current expenses to be paid on the basis of the following schedule	\$ 21,350.00	
Personal services	\$ 10,000.00	
Keeper, H o-nolulu ...	\$ 2,400.00	
Other personal services ...	7,600.00	
	<u>11,350.00</u>	
Other current expenses		11,350.00
For acquisition of property	3,500.00	
	<u>3,500.00</u>	
Buildings and improvements: garage	\$ 3,500.00	
Bacteriological laboratories		11,000.00
For current expenses to be paid on the basis of the following schedule	\$ 11,000.00	
	<u>11,000.00</u>	

Personal services	\$ 7,000.00	
Bacteriologist and patholo- gist	\$ 6,000.00	
Other personal services ...	1,000.00	
Other current expenses	4,000.00	
Agents (Government phy- sicians)		74,160.00
For current expenses to be paid on the basis of the following schedule	\$ 74,160.00	
Personal services	\$ 74,160.00	
Pure Food and Drugs...		26,400.00
For current expenses to be paid on the basis of the following schedule	\$ 26,400.00	
Personal services	\$ 21,600.00	
Commissioner and analyst.	\$ 8,400.00	
Other personal services ...	13,200.00	
Other current expenses	4,800.00	
Tuberculosis: Government Hospital (Puumaile Home).....		91,180.00
For current expenses to be paid on the basis of the following schedule	\$ 76,480.00	
Personal services	\$ 40,000.00	
Physician ..	\$ 2,400.00	
Other personal services ...	37,600.00	
Other current expenses	36,480.00	
For acquisition of prop- erty	14,700.00	

Equipment	\$ 700.00	
Buildings and improve ments	14,000.00	
	<hr/>	
Private Hospitals		312,000.00
For fixed charges	\$312,000.00	
	<hr/>	
Grants, subsidies and contributions	\$312,000.00	
	<hr/>	
Private Hospitals:		
Leahi Home	\$168,000.00	
Kula Sanita- rium	84,000.00	
Samuel Ma- helona Me- morial hos- pital	60,000.00	
	<hr/>	
General Medical Assistant and Nursing		148,250.00
For current expenses to be paid on the basis of the following schedule	\$136,250.00	
Personal services	\$ 87,600.00	
Other current expenses	48,650.00	
	<hr/>	
For acquisition of prop- erty	12,000.00	
	<hr/>	
Equipment	\$ 12,000.00	
	<hr/>	
Motor vehi- cles	\$10,000.00	
Other equip- ment	2,000.00	
	<hr/>	
Insane:		
Segregation, etc., Sanita- rium		37,920.00
For current expenses to be paid on the basis of the following schedule	\$ 37,920.00	
	<hr/>	
Personal services	\$ 21,120.00	
Attendant	\$ 4,200.00	

Other personal services . . .	16,920.00	
Other current expenses	16,800.00	
Segregation, etc., Insane Asylum		339,055.00
For current expenses to be paid on the basis of the following schedule	\$327,680.00	
Personal services	\$196,180.00	
Superintend- ent	\$ 8,400.00	
Other personal services . . .	185,280.00	
Extra com- pensation . .	2,500.00	
Other current expenses	131,500.00	
For acquisition of prop- erty	11,375.00	
Equipment	\$ 1,375.00	
Motor vehi- cles	\$ 800.00	
Other equip- ment	575.00	
Buildings and Im- provements:		
Buildings	10,000.00	
Venereal Disease Clinic..		16,885.00
For current expenses to be paid on the basis of the following schedule	\$ 16,885.00	
Personal services	\$ 11,400.00	
Physician . . .	\$ 6,000.00	
Other personal services . . .	5,400.00	
Other current expenses	5,485.00	

Care of Lepers and their
Children:

Leper Settlement and Kalihi Hospital 691,149.00

For current expenses to be
paid on the basis of the
following schedule \$679,044.00

Personal services \$224,600.00

Superintendent \$ 9,600.00

Other personal
services . . . 215,000.00

[Sic] Other current expenses 455,044.00

For fixed charges 5,000.00

Grants, subsidies and
contributions \$ 5,000.00

For acquisition of property 7,105.00

Equipment \$ 7,105.00

Kapiolani Girls' Home 44,780.00

For current expenses to be
paid on the basis of the
following schedule \$ 44,780.00

Personal services \$ 14,280.00

Six Sisters . . . \$ 5,760.00

Other personal
services . . . 8,520.00

Other current expenses 30,500.00

Kalihi Boys' Home 53,190.00

For current expenses to be
paid on the basis of the
following schedule \$ 53,190.00

Personal services \$ 24,240.00

Matron \$ 3,360.00

Other personal
services . . . 20,880.00

Other current expenses	28,950.00	
Boards of Examiners....		1,000.00
For current expenses to be paid on the basis of the following schedule	\$ 1,000.00	
Personal services	\$ 600.00	
Other current expenses	400.00	
Total, Board of Health		<u>\$2,325,399.00</u>

HOME FOR FEEBLE-MINDED PERSONS

Waimano Home		\$ 148,638.00
For current expenses to be paid on the basis of the following schedule	\$138,138.00	
Personal services	\$ 60,360.00	
Superintendent	\$ 8,400.00	
Other personal services ...	51,960.00	
Other current expenses	77,778.00	
For acquisition of property	10,500.00	
Equipment	\$ 5,500.00	
Buildings and improvements	5,000.00	
New addition to the central kitchen	\$ 5,000.00	
Total, Home for Feeble-Minded Persons		<u>\$ 148,638.00</u>

INDUSTRIAL ACCIDENT BOARDS

County of Hawaii.....		\$ 5,100.00
For current expenses to be paid on the basis of the following schedule	\$ 5,000.00	

Personal services	\$ 3,800.00	
Secretary ...	\$ 3,600.00	
Other personal services ...	200.00	
	<u> </u>	
Other current expenses	1,200.00	
	<u> </u>	
For acquisition of property		100.00
		<u> </u>
Equipment ..	\$ 100.00	
	<u> </u>	
Total, Industrial Accident Board, County of Hawaii		\$ 5,100.00
		<u> </u>
County of Kauai.....		\$ 1,500.00
For current expenses to be paid on the basis of the following schedule	\$ 1,500.00	
	<u> </u>	
Personal services.....	\$ 1,080.00	
Secretary ...	\$ 1,080.00	
	<u> </u>	
Other current expenses	420.00	
	<u> </u>	
Total, Industrial Accident Board, County of Kauai		\$ 1,500.00
		<u> </u>
County of Maui.....		\$ 5,000.00
For current expenses to be paid on the basis of the following schedule	\$ 5,000.00	
	<u> </u>	
Personal services	\$ 3,600.00	
Other current expenses	1,400.00	
	<u> </u>	
Total, Industrial Accident Board, County of Maui		\$ 5,000.00
		<u> </u>
Oahu		\$ 31,530.00
For current expenses to be paid on the basis of the following schedule	\$ 30,530.00	

Personal services	\$ 23,620.00	
Secretary ...	\$ 6,600.00	
Other personal services ...	17,020.00	
	<u> </u>	
Other current expenses	6,910.00	
	<u> </u>	
For acquisition of property		1,000.00
		<u> </u>
Equipment	\$ 1,000.00	
	<u> </u>	
Total, Industrial Accident Board, Oahu...		<u>\$ 31,530.00</u>

BOARD OF INDUSTRIAL SCHOOLS

Board of Industrial Schools Proper		\$ 8,000.00
For current expenses to be paid on the basis of the following schedule	\$ 7,500.00	
Personal services	\$ 6,000.00	
Executive secretary and parole officer	\$ 6,000.00	
	<u> </u>	
Other current expenses	1,500.00	
	<u> </u>	
For acquisition of property		500.00
		<u> </u>
Equipment, motor vehicles	\$ 500.00	
	<u> </u>	
Girls' Industrial School..		104,400.00
For current expenses to be paid on the basis of the following schedule	\$102,300.00	
Personal services	\$ 58,800.00	
Superintendent	\$ 7,200.00	
Other personal services ...	51,600.00	
	<u> </u>	
Other current expenses	43,500.00	

For acquisition of prop- erty	2,100.00	
Equipment	\$ 2,100.00	
Boys' Industrial School..		163,000.00
For current expenses to be paid on the basis of the following schedule	\$155,800.00	
Personal services	\$ 78,900.00	
Superintend- ent	\$ 7,200.00	
Other personal services	71,700.00	
Other current expenses	76,900.00	
For acquisition of prop- erty	7,200.00	
Equipment	\$ 6,200.00	
Structures and Perma- nent Improvements ..	1,000.00	
Highways, trails, etc...\$ 1,000.00		
Total, Board of In- dustrial Schools		\$ 275,400.00

LIBRARY OF HAWAII—HONOLULU

Library of Hawaii		\$ 169,680.00
For current expenses to be paid on the basis of the following schedule	\$135,680.00	
Personal services	\$107,880.00	
Librarian	\$ 7,800.00	
Other personal services	100,080.00	
Other current expenses	27,800.00	
For acquisition of prop- erty	34,000.00	

Equipment, books, periodicals, etc. \$ 34,000.00

Total, Library of Hawaii

\$ 169,680.00

HILO FREE LIBRARY

Hilo Free Library..... \$ 54,500.00

For current expenses to be paid on the basis of the following schedule

\$ 37,500.00

Personal services \$ 26,640.00

Other current expenses 10,860.00

For acquisition of property

17,000.00

Equipment \$ 17,000.00

Total, Hilo Free Library

\$ 54,500.00

KAUAI PUBLIC LIBRARY ASSOCIATION, LTD.

Kauai Public Library Association, Ltd.

\$ 30,500.00

For current expenses to be paid on the basis of the following schedule

\$ 21,100.00

Personal services \$ 14,700.00

Other current expenses 6,400.00

For acquisition of property

9,400.00

Equipment \$ 9,400.00

Total, Kauai Public Library Association, Ltd.

\$ 30,500.00

 MAUI COUNTY FREE LIBRARY

Maui County Free Library		\$ 38,080.00
For current expenses to be paid on the basis of the following schedule	\$ 24,080.00	
Personal services	\$ 17,400.00	
Other current expenses	6,680.00	
	<hr/>	
For acquisition of property	14,000.00	
	<hr/>	
Equipment	\$ 14,000.00	
	<hr/>	
Total, Maui County Free Library		\$ 38,080.00
		<hr/>

BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES

Public Archives		\$ 20,700.00
For current expenses to be paid on the basis of the following schedule	\$ 20,700.00	
	<hr/>	
Personal services	\$ 19,200.00	
Librarian ...	\$ 7,200.00	
Other personal services ...	12,000.00	
	<hr/>	
Other current expenses	1,500.00	
	<hr/>	
Total, Board of Commissioners of Public Archives		\$ 20,700.00
		<hr/>

BOARD OF TRUSTEES RETIREMENT SYSTEM

Employees Retirement System		\$ 458,000.00
For current expenses to be paid on the basis of the following schedule	\$ 30,000.00	
Personal expenses	\$ 12,000.00	
Other current expenses and equipment	18,000.00	
	<hr/>	

For fixed charges.....	428,000.00	
	<hr/>	
Pension accumulated fund	\$428,000.00	
	<hr/>	
Total, Board of Trus- tees Retirement Sys- tem		\$ 458,000.00
		<hr/>

UNIVERSITY OF HAWAII

Non-Instructional Operat- ing Expenses		\$ 50,200.00
For current expenses to be paid on the basis of the following schedule	\$ 48,700.00	
Personal services.....	\$ 38,000.00	
President ...	\$20,000.00	
Other personal services . . .	18,000.00	
	<hr/>	
Other current expenses	10,700.00	
	<hr/>	
For acquisition of prop- erty	1,500.00	
	<hr/>	
Equipment	\$ 1,500.00	
	<hr/>	
Upkeep of Plant, Build- ings, Equipment and Shop Operations		38,380.00
For current expenses to be paid on the basis of the following schedule	\$ 38,380.00	
	<hr/>	
Personal services	\$ 27,480.00	
Other current expenses	10,900.00	
	<hr/>	
Additions and Improve- ments to Plant.....		15,150.00
For acquisition of prop- erty	\$ 15,150.00	
	<hr/>	
Buildings and improve- ments	\$ 15,150.00	
	<hr/>	

Instructional Expenditures		255,500.00
For current expenses to be paid on the basis of the following schedule	\$238,650.00	
Personal services	\$225,000.00	
Other current expenses	13,650.00	
For acquisition of property	16,850.00	
Equipment	\$ 16,850.00	
Library		42,900.00
For current expenses to be paid on the basis of the following schedule	\$ 28,900.00	
Personal services	\$ 26,400.00	
Librarian	\$ 5,400.00	
Other personal services	21,000.00	
Other current expenses	2,500.00	
For acquisition of property	14,000.00	
Equipment	\$ 14,000.00	
Books, periodicals, etc.	\$14,000.00	
Psychological Clinic		23,700.00
For current expenses to be paid on the basis of the following schedule	\$ 23,300.00	
Personal services	\$ 21,000.00	
Director	\$12,000.00	
Other personal services	9,000.00	
Other current expenses	2,300.00	
For acquisition of property	400.00	
Equipment	\$ 400.00	

Extension Department ..		26,000.00
For current expenses to be paid on the basis of the following schedule		
Personal services.....	\$ 15,600.00	\$ 25,500.00
Marketing agent	\$ 6,000.00	
Other personal services ...	9,600.00	
Other current expenses	<u>9,900.00</u>	
For acquisition of property		<u>500.00</u>
Equipment	\$ 500.00	
University Farm		21,000.00
For current expenses to be paid on the basis of the following schedule		
Personal services	\$ 8,000.00	\$ 14,000.00
Other current expenses	<u>6,000.00</u>	
For acquisition of property		<u>7,000.00</u>
Equipment	\$ 7,000.00	
Motor vehicles	\$ 1,100.00	
Other equipment and stock	5,900.00	
Waiakea Demonstration Farm		10,000.00
For current expenses to be paid on the basis of the following schedule		
Personal services	\$ 8,600.00	\$ 8,600.00
For acquisition of property		<u>1,400.00</u>
Equipment	\$ 1,400.00	

Total, University of Hawaii	\$ 482,830.00
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COMMISSION ON PUBLIC ACCOUNTANCY

Commission on Public Ac- countancy	\$ 100,000.00
For current expenses and equipment	\$100,000.00
Total, Commission on Public Accountancy	\$ 100,000.00

FAIR COMMISSION OF HAWAII

Fair Commission of Ha- waii	\$ 16,000.00
For current expenses to be paid on the basis of the following schedule	\$ 16,000.00
Personal services	\$ 6,000.00
Chairman	\$ 6,000.00
Other current expenses	10,000.00
Total, Fair Commis- sion of Hawaii	\$ 16,000.00

FISH AND GAME COMMISSION

Commission Proper	\$ 59,433.00
For current expenses to be paid on the basis of the following schedule	\$ 56,433.00
Personal services	\$ 48,633.00
Executive of- ficer	\$ 7,200.00
Other personal services	41,433.00
Other current expenses	7,800.00

For acquisition of prop- erty	1,000.00	
Equipment	\$ 1,000.00	
	<u> </u>	
For survey of local fish- eries	2,000.00	
	<u> </u>	
Total, Fish and Game Commission		\$ 59,433.00
		<u> </u>

HISTORICAL COMMISSION

Historical Commission ..		\$ 21,590.00
For current expenses to be paid on the basis of the following schedule	\$ 21,090.00	
Personal services	\$ 9,240.00	
Executive sec- retary	\$ 6,600.00	
Other personal services	2,640.00	
	<u> </u>	
Other current expenses	11,850.00	
	<u> </u>	
For acquisition of prop- erty	500.00	
	<u> </u>	
Equipment	\$ 500.00	
	<u> </u>	
Total, Historical Com- mission		\$ 21,590.00
		<u> </u>

PUBLIC UTILITIES COMMISSION

Public Utilities Commis- sion		\$ 15,000.00
For current expenses and equipment	\$ 15,000.00	
	<u> </u>	
Total, Public Utilities Commission		\$ 15,000.00
		<u> </u>

SUGAR EXPERT

Sugar Expert		\$ 16,000.00
For current expenses to be paid on the basis of the following schedule	\$ 16,000.00	
Personal services	\$ 12,500.00	
Sugar expert	\$12,000.00	
Other personal services ...	500.00	
Other current expenses	3,500.00	
Total, Sugar Expert.		\$ 16,000.00

WAIKIKI IMPROVEMENT COMMISSION

Reclamation and Improve- ment		\$ 5,000.00
For capital outlays for rights and obligations.	\$ 5,000.00	
Additional working capital	\$ 5,000.00	
Total, Waikiki Im- provement Commis- sion		\$ 5,000.00

HAWAII TOURIST BUREAU

Contribution for support of Hawaii Tourist Bureau		\$ 125,000.00
"Provided that this appropriation shall become available from time to time in fractional amounts equal to the amounts then subscribed and guaranteed by individuals and business organizations within the Territory"	\$125,000.00	
Total, Hawaii Tourist Bureau....		\$ 125,000.00

HAWAII PUBLICITY COMMISSION

Contribution for support of.....	\$ 10,000.00	\$ 10,000.00
Total, Hawaii Publicity Commission		\$ 10,000.00

PAN-PACIFIC UNION

Contribution for support of.....	\$ 15,000.00	\$ 15,000.00
Total, Pan-Pacific Union.....		\$ 15,000.00
Grand Total, Appropriations from General Funds		<u>\$8,499,317.00</u>

SECTION 2. Changes and transfers may be made by the head of the department or other establishment within the foregoing schedule of appropriations for the several departments, within each establishment as to "current expenses" and "equipment", with the approval of the Governor, with exception of those personal services specifically named.

SECTION 3. This Act shall take effect from and after July 1st, 1925.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 264

[H. B. No. 230]

AN ACT MAKING ADDITIONAL APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE PERIOD ENDING JUNE 30, 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated as additional appropriations for the objects hereinafter expressed, for the biennial period ending June 30, 1925, out of any moneys received in the treasury of the Territory of Hawaii from the general revenues:

MILITARY DEPARTMENT

General and regimental expenses.....	\$ 5,850.00	
Pay of troops, annual encampment, 1925..	10,000.00	15,850.00

THE SECRETARY

Expenses of Session Laws.....	11,600.00	11,600.00
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ATTORNEY GENERAL'S DEPARTMENT

Salaries, clerks, stenographers and assistants	450.00	
Expenses	6,000.00	
High Sheriff and Territorial Prison:		
Expenses and maintenance of prisoners	16,000.00	22,450.00

TREASURY DEPARTMENT

Expenses, treasurer's office.....	500.00	
Salary, extra assistant deputy bank examiner	600.00	
Expenses, deputy bank examiner	500.00	1,100.00
Bureau of Taxes:		
Tax books and blanks.....	2,500.00	
Tax appeals and expenses.....	2,000.00	
First Taxation Division:		
Commissions and expenses.....	3,500.00	
Salaries, clerks, Honolulu office.....	1,000.00	
Fourth Taxation Division:		
Commissions and expenses.....	1,400.00	
Income Tax Bureau:		
Salaries, clerks	1,200.00	13,200.00

AUDITING DEPARTMENT

Expenses	500.00	500.00
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PUBLIC WORKS DEPARTMENT

Expenses	1,000.00	
Water rates, territorial property.....	1,500.00	
Additional furniture, Capitol building....	175.00	2,675.00

BOARD OF HARBOR COMMISSIONERS

Expenses	985.39	
Salaries, pilots and employees.....	375.00	1,360.39

PUBLIC LANDS DEPARTMENT

Expenses, land office.....	1,500.00	
Expenses, land board.....	400.00	1,900.00

SURVEY DEPARTMENT

Expenses, field parties and office work....	1,500.00	1,500.00
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BOARD OF AGRICULTURE AND FORESTRY

Division of forestration:

Salaries, rangers and nursery agents....	300.00	
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Division of animal industry:

Expenses	500.00	
Eradication of bovine tuberculosis.....	12,500.00	13,300.00

BOARD OF HEALTH

Expenses of printing and binding.....	3,500.00	
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Bacteriological Bureau:

Medical and Hospital supplies.....	200.00	
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Wages, laborers, nurses and attendants...	1,500.00	
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Insane Asylum:

Maintenance of	7,000.00	
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Puumaile Home:

Phonographs and phonograph records..	500.00	12,700.00
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JUDICIARY

Supreme Court:

Copying records	1,454.40	
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Law books	900.00	
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Expenses, payments to:

West Publishing Co.....	24.60	
The Frank Shepard Co...	12.05	
Honolulu Star-Bulletin, Ltd.	5.30	41.95

Payments under Act 17, 1923:

Wade Warren Thayer..	1,000.00	
Honolulu Star Bulletin, Ltd.	2,940.07	3,940.07

Land Registration Court:

Examination of titles and expenses..	1,800.00	8,136.42
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INDUSTRIAL ACCIDENT BOARDS.

Salaries and expenses, Maui.....	1,200.00	1,200.00
Total		<u>\$106,371.81</u>

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 265

[S. B. No. 188]

AN ACT APPROPRIATING ONE HUNDRED FORTY-FIVE DOLLARS (\$145.00) FROM THE GENERAL FUND FOR THE REIMBURSEMENT OF CHARLES W. LUCAS FOR MILK DELIVERED IN 1923 TO THE TERRITORIAL SCHOOL FOR DEAF AND BLIND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general fund of the Territory the sum of one hundred forty-five dollars (\$145.00), to be paid by the treasurer upon a warrant based upon a voucher approved by the superintendent of public instruction, to Charles W. Lucas for milk delivered during November, 1923, to the territorial school for deaf and blind.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 266

[S. B. No. 6]

AN ACT TO PROVIDE FOR PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated for the following purposes, out of any available moneys now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

TERRITORIAL IMPROVEMENTS

Wharf and Harbor Improvements

(To be expended under the direction of the Harbor Commission)

OAHU:

- | | |
|--|--------------|
| 1. Wharf and Harbor improvements, Honolulu Harbor including Kapalama Basin, purchase of land or other rights and/or condemnation proceedings where necessary; and construction of Pier 11 shed and dredging..... | 1,000,000.00 |
| 2. Acquisition of land and buildings at Queen and Fort Streets | 225,000.00 |

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HAWAII:

- | | |
|---|------------|
| 3. Wharf and Harbor improvements, Hilo Harbor | 500,000.00 |
|---|------------|

MAUI:

- | | |
|--|------------|
| 4. Wharf and Harbor improvements, Kahului Harbor | 500,000.00 |
| 5. Wharf and Harbor improvements, Hana Harbor | 60,000.00 |

KAUAI:

- | | |
|---|------------|
| 6. Nawiliwili Wharf and terminal improvements.. | 200,000.00 |
|---|------------|

NEW BUILDINGS AND OTHER IMPROVEMENTS

7.	Completion of territorial department building..	230,000.00
8.	Vault for treasurer in new territorial department building	25,000.00
9.	Boys' Industrial School, new buildings and other improvements	25,000.00
10.	Purchase of land adjoining University of Hawaii, south of campus, for public purpose...	200,000.00
11.	Insane Asylum	300,000.00
12.	Girls' Industrial School, buildings and equipment, water and sewerage systems and other improvements on new sites, Kawaihoa.....	150,000.00
13.	Library of Hawaii, acquisition of site, by purchase or otherwise.....	75,000.00
14.	Continuation of Volcano Road.....	250,000.00
15.	Waimea Canyon Road, Kauai.....	150,000.00

143 SECTION 2. The following sums are also hereby appropriated for the following purposes out of any available money now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated; provided that the sums specified in items 16 to 45, both inclusive, shall be expended by the boards of supervisors of the respective counties or city and county, in accordance with plans and specifications prepared by the engineer of such county or city and county, subject to the provisions of Section 4 hereof.

Construction, relocation, reconstruction of roads and bridges; flood control; sewerage system; water works; pipe lines and extensions; hospitals and equipment.

OAHU:

<u>121</u>	16. Waianae Road	400,000.00
	17. Koko Head—Makapuu road, running towards Waimanalo by way of Makapuu.....	100,000.00
	17A. Acquisition of land and buildings at Waikiki known as von Holt, Cunha and Magoon lots on the sea front.....	100,000.00
	18. Wahiawa Sewerage system.....	175,000.00
	19. Kailua Water Supply.....	150,000.00
	19A. Waimanalo Water Supply.....	30,000.00
	20. Kaneohe Water Supply.....	30,000.00
	21. Waialua Water Works.....	40,000.00
	22. Water supply, Lualualei, Pahoa, and Nanakuli homesteads	20,000.00

22A. Hauula Water Supply.....	15,000.00
22B. Court House and Jail, Wahiawa.....	10,000.00

HAWAII:

23. Road, North Kohala towards South Kohala, beginning at Puuhue.....	200,000.00	
24. Road, North Kohala from Mahukona towards Hawi	100,000.00	
25. Belt Road, Mud Lane to Kamuela, South Kohala	30,000.00	
26. Belt Road, Honokaa towards Waimea.....	50,000.00	
27. Road, Honokaa towards Kukuihaele.....	100,000.00	
28. Belt Road, North Hilo towards Weloka.....	65,000.00	
29. Concrete Bridge and approaches.....	100,000.00	
30. Belt Road, Kau.....	60,000.00	
31. Belt Road, North Kona.....	50,000.00	
31A. Belt Road, South corner Kealakekua towards Hookena	50,000.00	[Sic]
32. Waiolama Flood control.....	135,000.00	
33. Pipe Lines and extensions, South Hilo.....	115,000.00	
34. North Kohala Water Works.....	50,000.00	
35. Hilo Memorial Hospital and equipment.....	25,000.00	
36. North Kohala Hospital.....	20,000.00	

MAUI:

37. Belt Road, Kailua towards Kopiliula.....	150,000.00	
38. Kula Road, beginning at end of Pukalani road and working towards Kula Sanitarium.....	100,000.00	
39. Survey Belt Road, Kipahulu-Kaupo.....	5,000.00	Am a
39A. Sewer system, Wailuku, Kahului.....	125,000.00	
40. Kaupo Water Works.....	15,000.00	
40A. Kaunakakai Road towards Hoolehua.....	50,000.00	

KAUAI:

41. Macadamizing extension of Haena Road.....	20,000.00	
42. Concrete bridges	50,000.00	
43. Hanapepe Water Works.....	50,000.00	
44. Waimea Water Works.....	20,000.00	
45. Kekaha Water Works.....	10,000.00	

In case the amount specified in any item of this section shall not be wholly required to complete the work on such item, the unrequired balance may, after completion of said item, be expended for the work specified in any of the other items for the same county or city and county, and any unrequired balance remaining

after the completion of all the items in this section shall be transferred to the permanent improvement fund of the same county or city and county.

P 145 SECTION 3. Each county or city and county shall pay to the Territory, on the interest dates of any bonds that may be issued by the Territory, the proceeds of which shall have been expended for such of the projects referred to in said items 16 to 45, both inclusive, as shall have been expended in such county or city and county, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds, and also such sums annually on the second interest date and the same date each year thereafter, during the term for which such bonds shall have been issued, whether afterwards refunded or not, that the aggregate of such sums annually paid will, compounded annually at such rate of interest, equal at the expiration of such terms, such par value; and the auditor of the Territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of such county or city and county, such amounts when due as are required by this section, to be paid by such county or city and county and proper receipts shall thereupon be exchanged between the treasurers of the Territory and of such county or city and county; provided, however, that such county or city and county may, at the option of its board of supervisors, pay on account of such bonds on any such interest date, any additional sum, and when the accrued values of all sums other than interest paid on account of such bonds, shall equal the par value of such bonds, all the obligations of said county or city and county in respect of such bonds, principal and interest, shall be discharged. Every such additional sum so paid shall be deposited to the credit of the sinking fund provided for by Section 1182 of the Revised Laws of Hawaii 1915, in addition to the amount required to be deposited by said section.

146 SECTION 4. No moneys shall be expended under items 16 to 45, both inclusive, except as to items 35 and 36 of this Act, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of any sewerage system, water works, road or roads intended to be paid for in whole or in part with moneys provided by said items shall first be passed upon and approved by the superintendent of public works. Before approving said methods, materials, plans and specifications, said superintendent shall inspect the locality in which the said work is proposed to be done and shall familiarize himself with the local conditions affecting the said proposed work.

SECTION 5. This Act shall be known as the Loan Fund Act of 1925-1927.

SECTION 6. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 267

[S. B. No. 264]

AN ACT TO FIX THE SCHOOL BUDGET FOR THE BIENNIAL PERIOD BEGINNING JANUARY 1, 1926, AND ENDING DECEMBER 31, 1927.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The School Budget referred to in Chapter 28 of the Revised Laws of Hawaii 1925, shall be as follows for the biennial period beginning January 1, 1926, and ending December 31, 1927: L/29, P. 11

GENERAL SCHOOL FUND

1. General Administration\$131,120.00
 1. Salary of Superintendent.....\$13,200.00
 2. Salaries of office force..... 49,720.00
 - Deputy Superintendent\$9,600
 - Secretary 6,600
 - Bookkeeper 6,000
 - Stenographer 4,800
 - Stenographer 4,200
 - Stenographer 3,600
 - Stenographer 3,600
 - Clerk 3,000
 - Clerk 3,000
 - Clerk 2,400
 - Messenger 1,920
 - Emergency 1,000
 3. Stationery, Postage and Incidentals 20,000.00
 4. Books, Pamphlets and Incidentals 12,000.00

5.	Traveling Expenses, Commissioners and Committee on Estimates	4,000.00	
6.	Traveling Expenses Superintendent and deputy	5,000.00	
7.	Traveling Expenses, Supervising principals	11,200.00	
8.	Traveling Expenses, Territorial vocational Supervisors	6,000.00	
9.	Traveling Expenses, Officers called by Superintendent	1,000.00	
10.	Supervising Principals' office Equipment	3,500.00	
11.	Vocational General Office Expenses, Equipment, Supplies, etc.	3,500.00	
12.	Territorial Board of Examiners—Expenses, supplies, etc.	2,000.00	
2.	General Field Expense		\$178,400.00
A.	High Schools	\$57,550.00	
1.	High School Supplies (including Flags)	\$19,350	
2.	High School Books (Desk, Reference, etc.)	10,000	
3.	Industrial and Manual Training (Equipment, supplies, etc.)	27,200	
4.	McKinley Band Maintenance and R. O. T. C. Equipment	1,000.00	
B.	Elementary Schools	120,850.00	
1.	Elementary School supplies	47,500	
2.	Elementary School Books (Desk, Reference, Supplementary, etc.)	26,100	
3.	Elementary School Flags	1,350	
4.	Primary Handwork Supplies	12,500	
5.	Industrial and Manual Training (Equipment, Supplies, etc.)	33,400	
3.	Special Schools and Departments		\$556,890.00
A.	Territorial Normal and Training School	\$296,300.00	
1.	Salaries	240,600	

2.	Maintenance and Re-	
	pairs	6,000
3.	Library	3,000
4.	Industrial and Eco-	
	nomical Arts	3,600
5.	Rural Units	1,000
6.	Dormitory	1,500
7.	Scholarship	15,000
8.	Summer Session	15,000
9.	Extension Department	3,600
10.	Catalogues, Bulletins,	
	etc.	1,000
11.	Travel Allowance	1,000
12.	New Construction	5,000
B.	Territorial School for Deaf and	
	Blind	\$83,920.00
1.	Salaries	41,800
2.	Maintenance, Repairs,	
	Equipment, Furnish-	
	ings, Travel Expense,	
	etc.	27,120
3.	New Construction, and	
	Equipment	15,000
C.	Lahainaluna Boarding Department	23,000.00
1.	Support of Lahaina-	
	luna Fund	23,000
D.	Nutrition Department	40,690.00
1.	Salaries	37,440
2.	Maintenance, Repairs,	
	Equipment, Supplies,	
	Travel Expenses, etc.	3,250
E.	Dental Department	112,980.00
1.	Dental Hygienists	78,380
	(1) Salaries	64,800
	(2) Maintenance,	
	Repairs,	
	Equipment,	
	Supplies,	
	Travel Ex-	
	penses, etc.	13,580
2.	Dentists	34,600
	(1) Salaries	28,800
	(2) Maintenance,	
	Repairs,	
	Equipment,	
	Supplies,	

Travel Expenses, etc..	5,800
Total General Fund.....	\$866,410.00

SPECIAL SCHOOL FUND

Budget Items	City and County of Honolulu	County of Kauai	County of Maui	County of Hawaii	Whole Territory
New Buildings, Additions and Improvements	\$1,147,500	\$130,000	\$168,500	\$208,042	\$1,654,042
Buildings, Repairs and Maintenance	160,000	50,000	80,000	81,000	371,000
New Lands, sites to be selected by the Superintendent of Public Instruction	250,000	.....	.....	.....	250,000
Land Improvements..	105,000	12,500	15,500	59,000	192,000
Furniture and Equipment (Classroom and Cottage).....	98,900	12,000	16,000	35,650	162,550
Toilets	50,000	.....	.....	30,800	80,800
Janitors' Salaries	195,000	10,000	18,750	31,600	255,350
Janitors' Supplies	13,000	8,000	6,250	16,000	43,250
Transportation of Pupils . . . . .	.....	.....	20,000	55,000	75,000
Special Items	64,000	.....	.....	9,000	73,000
Totals	\$2,083,400	\$222,500	\$325,000	\$526,092	\$3,156,992

RECAPITULATION

Total General School Fund.....	\$ 866,410.00
Total Special School Fund.....	3,156,992.00

Grand Total \$4,023,402.00

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 268

[H. B. No. 441]

AN ACT TO AMEND CHAPTER 194 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 3490, DEFINING FIDUCIARY COMPANY, AND BY ADDING THERETO THREE NEW SECTIONS TO BE KNOWN AS SECTIONS 3490A, 3493A AND 3493B RESPECTIVELY, PROVIDING FOR THE METHOD IN WHICH THE BOOKS OF FIDUCIARY COMPANIES SHALL BE KEPT, FOR THE APPOINTMENT OF RECEIVERS, AND FOR REORGANIZATION OF SUCH COMPANIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3490 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3490. Fiduciary company defined. The term 'fiduciary company', as used in this chapter, shall be construed to mean and include every bank, other than a national bank; every trust company; and every company organized for the purpose of accumulating and loaning the funds of its members, stockholders and depositors, and which may loan and invest the funds thereof, receive deposits of money; loan, invest and collect the same with interest; and may repay depositors with or without interest, and having power to invest said funds in property, securities or obligations; and to declare and pay dividends on its general deposits, and a stipulated rate of interest on deposits made for a stated period or upon special terms.

The term 'fiduciary company', as used in this section, shall include any corporation or copartnership that may be carrying on a fiduciary business as above defined."

SECTION 2. Chapter 194 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section to be known as Section 3490A and to read as follows:

"Section 3490A. Books. All books of corporations or copartnerships, as defined by Section 3490, shall be kept in the English language and in such manner as to conform to practical accountancy and to permit of ready examination."

SECTION 3. Chapter 194 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section to be known as Section 3493A, and to read as follows:

"Section 3493A. Receiver; application for, appointment, duties. If the bank examiner shall become satisfied that the capital of any fiduciary company has become impaired, and such impairment

shall not have been made good as by him required, or if the examiner shall have become satisfied that any fiduciary company is conducting its business in an unsafe or unauthorized manner so that the continuance of its business would be hazardous to the public, or to those having funds in its control, or if any fiduciary company has violated any of the provisions of this chapter or if the fiduciary company shall refuse to submit its books and papers and concerns to the inspection of the bank examiner, or his deputy, or if any officer of such fiduciary company shall unreasonably delay or refuse to be examined under oath, touching the affairs and condition of the company, or if from any examination made, or report in this chapter provided for, the bank examiner shall conclude that such company is in an unsound or unsafe condition to transact business so that it is unsafe and inexpedient to continue the same, the bank examiner shall communicate such facts to the treasurer, and with his concurrence, application may be made by the attorney general, on behalf of the bank examiner, to a judge or court of competent jurisdiction for the appointment of a receiver of such company. Upon presentation of such application and upon its being made to appear that any of the facts herein enumerated, as a ground for the application for a receiver exists, the court or judge may immediately appoint a competent receiver and shall determine his bond and prescribe his duties and may make such further order as shall seem proper; provided, that pending such action, it shall be the duty of the bank examiner immediately to take control of such fiduciary company and all the property and effects thereof as may be necessary to prevent waste or diversion of assets, and to hold possession of the same pending such action; and such property and effects, while in his possession, shall not be subject to any levies and attachments. The receiver, if any be appointed, shall, under the direction of the court, take possession of the books, records and assets of every description of such company, collect all debts, dues and claims belonging to it and sell or compound all bad or doubtful assets, and sell all the real and personal property of such company on such terms as the court shall direct, and may, if necessary to pay the debts of such company, enforce all individual liabilities of stockholders, and shall make a report to the court and bank examiner of all his acts and proceedings.

The compensation of such receiver shall be fixed by the court."

SECTION 4. Chapter 194 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section to be known as Section 3493B and to read as follows:

"Section 3493B. Reorganization. Whenever arrangements shall be made by any such fiduciary company or the stockholders thereof, if any, by reorganization or otherwise, to the satisfaction of the bank examiner to pay all creditors thereof, aside from the stock-

holders, and to make good the impairment of the capital stock in all particulars and to pay the expenses of the receivership, if any have accrued, such facts may be presented to the court and the court may order the property to be turned over to the company or to such stockholders and shall in such case discharge the receiver, if any had been appointed."

SECTION 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 6. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 269

[S. B. No. 111]

AN ACT TO AMEND PARAGRAPH 5, SECTION 648, OF CHAPTER 48 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE FARM LOAN BOARD OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 5, Section 648, of Chapter 48 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows: *Am. 2/16*

"The Farm Loan Board of Hawaii is hereby authorize^d and empowered to employ a secretary who shall devote his entire time to the business of the board. The salary of the secretary shall be at the rate of four hundred dollars (\$400.00) per month, and together with his traveling expenses shall be paid out of funds provided for by this chapter."

SECTION 2. This Act shall take effect from and after the date of its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, Hawaii, April 29, 1925.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate this 29th day of April, 1925.

ROBERT W. SHINGLE,
President of the Senate.

ALBERT E. LLOYD,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, Hawaii, April 29, 1925.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives this 29th day of April, A. D. 1925.

NORMAN K. LYMAN,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

ACT 270

[S. B. No. 167]

AN ACT APPROPRIATING THREE HUNDRED FORTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$343,500.00) FROM THE GENERAL FUND FOR THE ERECTION AND MAINTENANCE OF SCHOOL BUILDINGS, CITY AND COUNTY OF HONOLULU, FOR THE PERIOD ENDING DECEMBER 31, 1925, AND PROVIDING ADDITIONAL TAXATION FOR RAISING AND REPAYING SAID SUM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated as additional appropriations for the erection and maintenance of school buildings in the City and County of Honolulu for the period ending December 31, 1925, out of any moneys received in the treasury of the Territory of Hawaii from the general revenues:

NEW BUILDINGS:

16 room building (shop and kitchen), Aiea..	\$ 75,000.00
16 room building, Asylum site	51,000.00
8 room temporary building, McKinley High.	16,000.00
7 room building, Waimanalo	21,000.00
3 room Industrial building, Waimanalo	6,000.00
5 room bungalow, Likelike	12,500.00
5 room bungalow, Kalihikai	12,500.00
5 room bungalow, Lincoln	12,500.00
4 room bungalow, Liliuokalani	10,000.00
3 room bungalow, Waikiki	7,500.00
2 room bungalow, Palolo	5,000.00
2 room bungalow, Manoa	5,000.00
1 room and kitchen, Pohukaina	6,500.00
1 room bungalow, Maemae	2,500.00
1 room bungalow, Pauoa	2,500.00
Toilet building, Lincoln	4,000.00
Toilet building, Waimanalo	4,000.00
Addition to Foster property building.....	10,000.00
Addition to Central Grammar	20,000.00
Total.....	\$283,500.00

MAINTENANCE:

Repairs and maintenance	\$ 30,000.00
Janitors' salaries	30,000.00
Total.....	\$ 60,000.00
Grand Total.....	\$343,500.00

SECTION 2. The tax assessor of the City and County of Honolulu shall in the year 1925 add to the tax rate of his taxation division to produce the sum of three hundred forty-three thousand five hundred dollars (\$343,500.00) which said sum shall be repaid into the general revenues of the territory.

SECTION 3. This Act shall take effect upon its approval.

Approved this 4th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 271

[H. B. No. 27]

AN ACT TO AMEND SECTION 171 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO GOVERNMENTAL EMPLOYMENT OF CITIZENS AND ANY FEMALE PERSON WHO, HAVING BEEN A CITIZEN HAS LOST HER CITIZENSHIP THROUGH MARRIAGE TO AN ALIEN.

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Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 171 of the Revised Laws of Hawaii 1925, as amended, is hereby amended to read as follows:

"Section 171. Government officials, etc., to be citizens or eligible to citizenship. All officers, deputies, clerks, assistants, interpreters, police, laborers and other persons employed in the service of the government of the Territory of Hawaii, or in the service of any county or city and county, or municipal subdivision, of said territory shall be citizens of the United States of America; except that in cases where it is not reasonably practicable to obtain citizens competent for such service, persons other than citizens may be employed until citizens competent for such service can be obtained; provided, however, that no teacher shall be employed in the public elementary and grammar schools of the Territory who is not a citizen of the United States of America; provided, further, that the prohibitions in this section contained shall not apply to any female person who, having been a citizen, has lost her citizenship through marriage to an alien; and provided further, however, that in the appointment of teachers, preference shall be given to local teachers on the same standing, grade or rating as those from

abroad, and the auditor of the territory is hereby directed not to issue a warrant for any public elementary and grammar school teacher's salary until satisfied that such teacher is a citizen of the United States of America or a female person who, having been a citizen, has lost her citizenship through marriage to an alien; and provided further, that all elective officers of any county or city and county or municipal subdivision of the territory shall, in addition to the foregoing requirements, have resided in the territory for at least three years and within the respective county or city and county wherein the office is to be held, for at least three months next preceding their election."

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 272

[H. B. No. 250]

L. 27, P. 200

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SALARIES AND EXPENSES OF CIRCUIT COURTS. L/29, P. 35
1/31, P. 3

Be it Enacted by the Legislature of the Territory of Hawaii: Am A 82/:

SECTION 1. Section 2132 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2132. Expenses circuit courts. The several counties and city and county shall pay the expenses of their respective circuit courts and the salaries of the following officers of such courts, as required by such courts, to the extent of the following amounts, and may pay such increases in such salaries and expenses, and such salaries of such other officers of such courts as may from time to time be deemed necessary or proper.

'FIRST CIRCUIT COURT

	Per Month	Per Annum
Chief clerk, cashier and bookkeeper.....	\$350.00	\$4,200.00
Assistant cashier and bookkeeper.....	100.00	1,200.00

First assistant chief clerk	225.00	2,700.00
Second assistant chief clerk and stenographer	225.00	2,700.00
Third assistant chief clerk	150.00	1,800.00
One indexer and typist, clerk's office.....	110.00	1,320.00
Messenger and bailiff	110.00	1,320.00
Eight (8) court room clerks and stenographers (to be assigned to judges of the first circuit and to any judge of other circuits called to the first circuit as occasion may require) each.....	225.00	21,600.00
Four (4) shorthand reporters (one for each division) each	325.00	15,600.00
Hawaiian interpreter	200.00	2,400.00
Japanese interpreter	200.00	2,400.00
Chinese interpreter	200.00	2,400.00
Filipino interpreter	200.00	2,400.00
Portuguese interpreter	25.00	300.00
(To be paid to the Portuguese interpreter of the District Court of Honolulu, City and County of Honolulu, who shall act as Portuguese interpreter in the circuit court, first circuit, when needed).		
Other interpreters (to be paid by order of court)		1,000.00
Circuit court expenses, jury fees, etc...		30,000.00

DIVISION OF DOMESTIC RELATIONS

All of the officials named under this heading shall be appointed and may be removed by the Judge of the Court of Domestic Relations and all of the appropriations under this heading shall be expended under the supervision of the Judge of the Court of Domestic Relations.

One chief probation officer.....	\$275.00	\$3,300.00
Four (4) probation officers, (two of whom shall be women), each.....	190.00	9,120.00
One recorder typist	175.00	2,100.00
One night watchman	100.00	1,200.00
Three (3) truant officers, each.....	150.00	5,400.00
Matron, Shelter Home	160.00	1,920.00
Assistant matron, Shelter Home	120.00	1,440.00
Second assistant matron, Shelter Home....	100.00	1,200.00
Maintenance, Shelter Home		9,000.00
Care of dependent children		10,000.00
Upkeep automobile, truant officer.....	75.00	900.00

Act 272]	CIRCUIT COURT, SCHEDULE SALARIES AND	
Act 273]	EXPENSES.	
	VOTING, DEPARTING SAILORS.	391

Upkeep automobile, probation officers.....	125.00	1,500.00
Equipment		500.00

THIRD CIRCUIT COURT

L/31, P. 38

Clerk	200.00	2,400.00
Court reporter	225.00	2,700.00
Support, Juvenile dependents		600.00
Court expenses		6,500.00
Law books		750.00

FOURTH CIRCUIT COURT

Clerk	225.00	2,700.00
Assistant clerk, interpreter and messenger..	200.00	2,400.00
Court reporter	250.00	3,000.00
Bailiff	150.00	1,800.00
Probation officer for boys	150.00	1,800.00
Probation officer for girls	125.00	1,500.00
Expenses, probation officers		500.00
Court expenses		10,000.00
Support, Juvenile court dependents.....		1,500.00
Law books		750.00' "

SECTION 2. This Act shall take effect July 1, 1925.

Approved this 4th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 273

[H. B. No. 477]

AN ACT TO AMEND SECTION 119 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EMPLOYEES OF STEAMERS VOTING BEFORE DEPARTING.

Be it Enacted by the Legislature of the Territory of Hawaii:

L/29, P. 176

SECTION 1. Paragraph 1 of Section 119 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"1. Any registered voter who, because of being employed upon any of the vessels that are leaving port, and will not be present at

his voting place upon any primary, general or special election day to cast his vote, is hereby granted the special permission of voting on the day before the day prior to such election, in the manner hereafter specified."

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 274

[H. B. No. 32]

AN ACT TO AMEND CHAPTER 175 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 2993 THEREOF, RELATING TO MARRIED WOMEN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2993 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Section 2993. Separate property. The real and personal property of a woman shall, upon her marriage, remain her separate property, free from the management, control, debts and obligations of her husband; and a married woman may receive, receipt for, hold, manage and dispose of property, real and personal, in the same manner as if she were sole."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 275

[H. B. No. 198]

AN ACT TO AMEND SECTION 2133 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE SALARIES OF DISTRICT MAGISTRATES AND CERTAIN CLERKS. L/28, P. 15
L/29, P. 19
L/31, P. 32

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That item 3 of Section 2133 of the Revised Laws of Hawaii, 1925, is hereby amended to read as follows:

	"Per Month Per Annum	
Clerks, Honolulu District Court, first clerk,		
stenographer and cashier, at \$300.00;		
second clerk and stenographer at \$275.-		
00; third clerk and stenographer at		
\$225.00; fourth clerk and stenographer		
at \$200.00; and fifth clerk and stenog-		
rapher at \$200.00	\$1,200.00	\$14,400.00
Interpreters, Honolulu District Court, Ha-		
waiian interpreter and clerk at \$210.00;		
Chinese interpreter at \$200.00; Japanese		
interpreter at \$200.00; Portuguese inter-		
preter at \$200.00; Filipino interpreter at		
\$200.00	1,010.00	12,120.00".

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 276

[H. B. No. 228]

**AN ACT CONCERNING ARBITRATION AND AWARDS AND AMENDING
CHAPTER 171 OF THE REVISED LAWS OF HAWAII, 1925.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 171 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Chapter 171. Arbitration and awards.

Section 2924. Agreement to submit. A provision in a written contract to settle by arbitration a controversy thereafter arising out of the contract or the refusal to perform the whole or any part thereof or an agreement in writing to submit an existing controversy to arbitration pursuant to Section 2925 hereof, shall be valid, enforceable and irrevocable, save only upon such grounds as exist at law or in equity for the revocation of any contract.

Section 2925. Agreement to submit existing controversy. Save in the case of an infant, or a person incompetent to manage his affairs, two or more persons may agree in writing to submit, to the arbitration of one or more arbitrators any controversy existing between them at the time of the agreement to submit which arises out of a contract, or the refusal to perform the whole or any part thereof, or the violation of any other obligation. They may also so agree that a judgment of a circuit court shall be rendered upon the award, made pursuant to the submission and they may also specify the judicial circuit in which the judgment shall be entered. If the writing does not specify the judicial circuit, the judgment may be entered in any judicial circuit.

Section 2926. Compelling compliance with agreement. A party aggrieved by the failure, neglect or refusal of another to perform under an agreement in writing providing for arbitration, may petition the circuit court for an order for directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Services thereof shall be made in the manner provided by law for service of a summons. The court shall hear the parties, and upon being satisfied that the making of the agreement or the failure to comply therewith is not in issue, the court hearing such application shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. If the making of the agreement or the default be in issue, the court, or the judge thereof, shall proceed summarily to the trial thereof. A jury trial may be demanded by either party before the return and if such demand be made, the issue shall be tried before a jury, otherwise the court shall hear and determine the issue.

If the jury if tried by a jury, or the court if tried by the court, find that no agreement in writing providing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury if the trial is before the jury, or the court if the trial is before the court, find that a written provision for arbitration was made and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

Section 2927. Naming arbitrators. If, in the agreement, provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method, shall be followed, but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators, or umpire, or in filling a vacancy, then, upon application by either party to the controversy, the circuit court shall designate and appoint an arbitrator or arbitrators, or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided, the arbitration shall be by a single arbitrator.

Section 2928. No trial or issue referable to arbitration. If any suit or proceeding be brought upon any issue referable to arbitration under an agreement in writing, the circuit court, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement in writing, shall stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, provided the applicant for the stay is not in default in proceeding with such arbitration.

Section 2929. Application to court heard in summary way. Any application to the court hereunder shall be made and heard in a summary way in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

Section 2930. Witnesses—attendance. The arbitrators selected either as prescribed in this Act, or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them a book or paper. The fees for such attendance shall be the same as the fees of witnesses before circuit courts in this territory. Said summons shall issue in the name of the arbitrator or arbitrators or a majority of them, and shall be signed by the arbitrators or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to testify before a court of record of this territory; if any person or persons so sum-

moned to testify shall refuse or neglect to obey said summons upon petition the circuit court may compel the attendance of such person or persons before said arbitrator or arbitrators; or punish said person or persons for contempt in the same manner now provided for the attendance of witnesses or the punishment of them in the circuit court of this territory.

Section 2931. Confirming award. At any time within one year after the award is made, which award must be in writing and acknowledged or proved in like manner as a deed for the conveyance of real estate, and delivered to one of the parties or his attorney, any party to the arbitration may apply to the court, specified in the agreement, for an order confirming the award; and thereupon the court must grant such an order, unless the award is vacated, modified, or corrected, as prescribed in the next two sections. Notice of the motion must be served upon the adverse party, or his attorney, as prescribed by law or rule of court for service of notice of a motion in an action in the same court.

Section 2932. Vacating award. In either of the following cases, the court may make an order vacating the award, upon the application of any party to the arbitration:

(a) Where the award was procured by corruption, fraud or undue means.

(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct, in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence, pertinent and material to the controversy; or if any other misbehavior, by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them, that a mutual, final and definite award, upon the subject matter submitted, was not made.

Where an award is vacated and the time, within which the agreement required the award to be made, has not expired, the court may in its discretion direct a rehearing by the arbitrators.

Section 2933. Modifying or correcting award. In either of the following cases, the court may make an order modifying or correcting the award, upon the application of any party to the arbitration;

(a) Where there was an evident miscalculation of figures, or an evident mistake in the description of any person, thing or property, referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matters submitted.

(c) Where the award is imperfect in a matter of form, not affecting the merits of the controversy.

The order may modify and correct the award, so as to effect the intent thereof, and promote justice between the parties.

Section 2934. Notice of motion to vacate, modify or correct. Notice of a motion to vacate, modify or correct an award, must be served upon the adverse party or his attorney, within ten days after the award is filed or delivered as prescribed by law for service of notice of a motion in an action. For the purposes of the motion any judge who might make an order to stay the proceedings, in an action brought in the same court, may make an order to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

Section 2935. Entry of judgment. Upon the granting of an order, confirming, modifying or correcting an award, judgment may be entered in conformity therewith, but no exceptions shall be taken, but an appeal may be taken from such order or judgment as hereinafter set forth.

Section 2935A. Record to be filed with motion. The party moving for an order confirming, modifying or correcting an award shall at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement; the selection or appointment, if any, of an additional arbitrator, or umpire; and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper, used upon an application to confirm, modify, or correct the award, and a copy of each order of the court, upon such an application.

The judgment may be docketed, as if it was rendered in an action.

Section 2935B. Effect of judgment. The judgment so entered has the same force and effect, in all respects, as, and is subject to all the provisions of law relating to, a judgment in an action; and it may be enforced, as if it had been rendered in an action in the court in which it is entered.

Section 2935C. Appeal. Unless the agreement for award provides that no appeal may be taken an appeal may be taken from an order vacating an award, or from a judgment entered upon an award, as from an order or judgment in an action, otherwise no appeal may be had."

SECTION 2. This Act shall take effect from and after its approval; but shall not apply to contracts made prior to its approval.

Approved this 5th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 277

[H. B. No. 479]

AN ACT AMENDING SECTION 1902 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO HIGHWAYS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1902 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1902. To connect with public system. No street opened upon private land in said district or town shall be construed to be for the use of the public unless the same shall communicate with the public system of streets."

SECTION 2. This Act shall take effect upon its approval.

Approved this 5th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 278

[S. B. No. 197]

AN ACT TO AMEND SECTION 476 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ROAD CONSTRUCTION BY COUNTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 476 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 476. Road construction by counties: Reimbursement therefor. The commissioner of public lands, with the approval of the governor, may from time to time enter into agreements or contracts with the several counties or city and county for the construction by the latter of any road or roads based on plans and specifications prepared by said counties or city and county and approved by the commissioner of public lands, to, in or through tracts opened for homestead, residence or business purposes.

Such agreements or contracts may cover the construction of any such roads as may be built out of county or city and county moneys, or out of any territorial moneys now available under any

legislative appropriation, or any legislative appropriation hereafter made for said purpose where said appropriation Acts do not specifically provide that such agreements or contracts may be made with the various counties or city and county, or out of any moneys available under Sections 474 and 475 of the Revised Laws of Hawaii 1925, or partly out of county or city and county moneys and partly out of territorial moneys for any such road or roads or part or parts thereof, authorized under any such legislative appropriation or under said Sections 474 and 475.

The said counties or city and county, upon receipt of said agreement or contract, shall call for tenders for the construction of said road or roads as provided in Section 1477 of the Revised Laws of Hawaii 1925, and may as in said section provided, elect to construct said road or roads at cost or may sublet and contract with other parties, for said construction, in which case the commissioner of public lands shall be furnished with two certified copies of said sub-contract.

The said counties or city and county shall be reimbursed by the territory, for so much of their moneys as may be expended under any such agreement entered into as herein provided, out of any moneys not otherwise appropriated and available under the terms of said Sections 474 and 475 for the construction of roads in the tracts in question, said reimbursements to be by warrants drawn by the auditor based on vouchers approved by the commissioner of public lands."

SECTION 2. Roads constructed as herein provided shall be maintained by the counties or city and county in which they are located.

SECTION 3. This Act shall take effect upon its approval.

Approved this 5th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 279

[S. B. No. 260]

AN ACT AMENDING SECTIONS 2134 AND 2135 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PAY AND SERVICES OF SECOND DISTRICT MAGISTRATES.

Be it Enacted by the Legislature of the Territory of Hawaii:

P. 352 SECTION 1. Section 2134 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2134. Pay second district magistrates. In all cases of temporary disqualification, illness, or absence, or in case of the death, of the district magistrates of Honolulu, City and County of Honolulu; South Hilo, County of Hawaii; Wailuku, County of Maui; or Lihue, County of Kauai; which absence shall be approved by a justice of the supreme court as to the district magistrate of Honolulu and by the circuit judge of the circuit as to the other district magistrates, the second district magistrate of Honolulu shall receive compensation for his services during such disqualification, illness or absence of the district magistrate, or until such magistrate's successor is appointed and qualified in case of the death of such magistrate, the sum of fifteen dollars per diem. The second district magistrate of South Hilo, Wailuku and Lihue, as the case may be, shall receive for compensation for his services during such disqualification, illness or absence of the district magistrate, or until such magistrate's successor is appointed and qualified in case of the death of such magistrate, the sum of ten dollars per diem. The second district magistrate of any other district shall receive for compensation for his services during the disqualification, illness or absence of the district magistrate, or until such magistrate's successor is appointed and qualified in case of the death of such magistrate, the sum of seven dollars per diem."

SECTION 2. Section 2135 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2135. Services certified to by whom. Such services rendered by any such second district magistrate shall be certified to the auditor of the county or city and county in which such second district magistrate's district lies by the district magistrate of the district in which such services were rendered, or by a justice of the supreme court or the circuit judge of the circuit in all cases

of absence or death. All such services shall be paid for by the county or city and county in which such services were rendered.

SECTION 3. This Act shall take effect upon its approval.

Approved this 5th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 280

[S. B. No. 305]

AN ACT TO AMEND SECTION 1771 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DATE OF GENERAL ELECTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1771 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1771. Date of general election. The next general election of elective officers of the City and County of Honolulu shall be held on the first Tuesday after the first Monday in the month of November in the year 1926 and in every second year thereafter; and such officers elected in 1926 and in every second year thereafter shall take office at twelve o'clock meridian on the second day of the month of January following their election, unless such day be a Sunday, in which case they shall take office on the third day of such month, and shall hold office until their successors are duly elected and qualified.

The expense of such election shall be paid by the City and County of Honolulu."

SECTION 2. This Act shall take effect upon its approval.

Approved this 5th day of May, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

J. R. No. 1

[S. J. R. No. 1]

**JOINT RESOLUTION TO PROVIDE FOR THE MAINTENANCE OF
THOMAS SQUARE IN ITS ENTIRETY AS A PUBLIC PARK.**

WHEREAS, the Kingdom of Great Britain assumed sovereignty over the Hawaiian Kingdom in 1843; and

WHEREAS, after a submission of the case to the British Government, it was ordered that the sovereignty of the Hawaiian Government be restored to the Hawaiian Kingdom; and

WHEREAS, Thomas Square was the site selected for the lowering of the flag of England and the raising of the Hawaiian flag, and the ceremonies pertaining to the restoration of the Hawaiian monarchy; and

WHEREAS, King Kamehameha III dedicated Thomas Square as a public park in memory of the event; and

WHEREAS, it is planned to extend Young Street in the City and County of Honolulu through the present Thomas Square; and

WHEREAS, such extension will not relieve the traffic congestion existing at the present time; and

WHEREAS, the park at Thomas Square should be maintained as sacred ground; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That Thomas Square be maintained in its present condition as a public park and that the board of supervisors of the City and County of Honolulu be hereby prohibited from extending Young Street through said park.

Approved this 27th day of April, A. D. 1925.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

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